THE SHERROD SHAKEDOWN

HITCHENS ON HITCHENS

The Nation.

DOUBLE ISSUE

GETTING OUT OF AFGHANISTAN

AUGUST 16/23, 2010
TheNation.com

AND WHAT WIKILEAKS TELLS US

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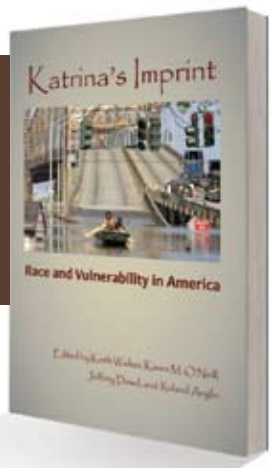

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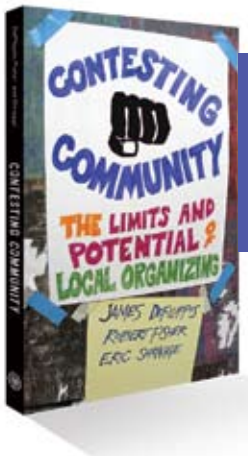

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THE Nation.
THE RIGHT'S NEW CLASS WAR
AMY TRAUB
CHANGE AT SEIU?
MAX FRASER
IS THIS THE END OF THE WAR ON CRIME?
SASHA ABRAMSKY

Dismantling the Punishment Industry

Eastsound, Wash.
In "Is This the End of the War on Crime?" [July 5] Sasha Abramsky rightly gives credit to the Obama administration for shifting antidrug rhetoric away from the "war on drugs" metaphor and toward drug abuse as a public health problem. However, the Obama drug control budget, like Bush's, still devotes nearly twice as many resources to supply-reduction strategies like arrest and incarceration as it does to demand-reduction strategies like treatment and prevention. As a thirty-four-year police veteran and Seattle's chief of police from 1994 to 2000, I know that rhetorical shifts cannot solve the huge problems caused by a national policy of prohibition (versus legalized regulation). The president must end this "war on drugs" instead of merely saying he has (see CopsSayLegalizeDrugs.com).
Norm Stamper

Las Cruces, N.M.
Sasha Abramsky is correct: these economic times are likely to spur penal reform, which is typically preceded by a sociopolitical crisis. For 200-plus years each US penal reform intended to diminish inhumane and unjust practices has resulted in widening the net of the punishment system. Also, benevolent penal reforms produce greater government intrusion into punished people's lives and communities. Not only do they fail to dismantle existing practices and ideologies; they add new punitive dimensions. The outcome has been an ever expanding archipelago of punishments disproportionately targeting the poor, people of color and other marginalized groups.

This pattern includes the penitentiary itself, said to be the ultimate deterrent and the definitive crime fix but which became an intractable growth industry; the adult reformatory, designed to institutionalize treatment and "cure" the prisoner but which generated new "scientific" categories of offenders; and parole, intended to shorten prison sentences but which lengthened them while creating conditional, revocable "freedom" and a new layer of supervision and surveillance outside the prison walls.

There is no reason to expect "restorative justice" to unfold any differently from past penal reforms. Yet as Abramsky notes, it is compelling, and the time is ripe for a movement aimed at smashing an unjust punishment system. Change is possible.
Dana Greene, *Criminal Justice Department New Mexico State University*

CSP Rebuilds Iraq

Arlington, Va.
Luke Mogelson's May 31 "Aiding the Insurgency," regarding USAID's Community Stabilization Program (CSP) in Iraq, contains incomplete information and misrepresents facts. These errors reflect a not uncommon—but still unfortunate—misunderstanding of how USAID and implementing organizations such as International Relief and Development (IRD) operate in conflict situations.

CSP was designed to mitigate conflict and boost employment through vocational training and job placement, business development, community infrastructure rehabilitation and youth engagement. The community infrastructure rehabilitation component provided Iraqis with immediate income in return for their help in rebuilding their communities. The money and work provided to participants was intended to be an alternative way for them to support their families, rather than relying on the insurgency.

IRD worked with many local partners to implement the community infrastructure rehabilitation component and CSP as a whole. Worldwide, we collaborate with the communities we serve because we believe the most effective programs build local capacity. Contracting with Iraqi firms infused much-needed financial resources and practical skills into midlevel businesses and jumpstarted the middle class, which is critical to stabilizing any economy. This ensured that the rebuilding of Iraq focused on the men and women of Iraq and their priorities.

(continued on page 30)

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Getting Out of Afghanistan

Eight months after President Obama announced his decision to send 30,000 more troops to Afghanistan and to expand the counterinsurgency war there, we have seen enough—enough to know that the strategy cannot work, and enough to understand that the costs of continuing the war far outstrip any conceivable benefits.

This conclusion was more than buttressed by the WikiLeaks release of 92,000 classified military documents, which reveal that the Pentagon has repeatedly overestimated its ability to control events; that the Taliban have much broader support, including the active assistance of the Pakistani intelligence services, than has been portrayed; and that the Afghan army and police, whose training is the centerpiece of our eventual exit strategy, are even more distrusted by the Afghan people than has been reported. Virtually everything in the war logs confirms that this is a conflict we should not be waging.

EDITORIAL

After nearly nine years of war, it is clear that Afghanistan—with its complex regional and ethnic divisions, its long history of fierce resistance to occupying forces, its decentralized governance and tribal system, and its susceptibility to the interference of neighbors—does not lend itself to successful counterinsurgency.

In addition, a majority of Americans oppose the war, which is increasingly being questioned by politicians and pundits. As other presidents have learned, it's not possible to wage a war that lacks public support and for which there is no clear measure of success. It is therefore time for the president to change policy; we cannot afford to wait for the policy review scheduled for December. The administration should take the advice of a majority of House Democrats and begin planning the "safe, orderly and expeditious redeployment" of US troops and start work on a regional diplomatic initiative to support reconciliation in Afghanistan.

As laid out by Obama last December, the administration's strategy has two goals: one, to reverse the Taliban's momentum in order to make them more pliant to negotiations at a time of Washington's choosing. The other is to strengthen the capacity of the Afghan government so that it can hold, and eventually assume complete responsibility for, areas cleared by the surge of US and allied forces. These two objectives were to come together in the spring offensive in Marja and in a summer offensive in Kandahar, in the Pashtun heartland.

But, as the Pentagon admits, the offensive in Marja fell far short of the objectives. It revealed that even with overwhelming force, we cannot fully clear and hold territory with our own troops, let alone install a local government that can withstand Taliban intimidation.

Particularly problematic has been the performance of the Afghan government and security forces. Even if the Pentagon had been able to clear the area, transferring control to the Afghan security forces is a distant dream. Because of that, US commanders have indefinitely postponed the Kandahar offensive. The Obama administration may have softened its public criticism of President Karzai, but the Afghan government is a stew of corruption and opportunism, hardly able to deliver the most basic services. Meanwhile, the government seems more determined than ever to pursue its own agenda, which often conflicts with Washington's. Standing up to the Americans may give Karzai a semblance of popular legitimacy he otherwise lacks, but it undercuts any partnership.

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None of these factors can be easily changed by the newly appointed commander, Gen. David Petraeus. Trying to force Karzai to fall into line or exercising more direct control over the Afghan security forces would make the United States appear more like an occupier. And Petraeus's proposal for building up village defense forces is fraught with problems, not the least of which is that it would empower local militias and warlords and add more fuel to the civil war.

In short, it simply is not in our power to produce the kind of Afghan government our strategy calls for. There are three reasons we should change course now.

§ Time is not on our side. Indeed, there is good evidence that we will be in an even more difficult position in six months or a year. The Pentagon presents counterinsurgency as a benign force to protect the population, but—as the WikiLeaks revelations about civilian casualties show—it is also deeply disruptive and destabilizing and can make reconciliation more difficult. Even if we are able to eliminate many Taliban leaders, younger and more radical ones may take their place. The US military has killed a large number of insurgent leaders, yet the Taliban have only grown stronger and more determined. Better to negotiate with the ones we know today than those who may be radicalized by the fighting to come.

§ The war is expensive—in money and lives and in the distraction it creates from other international and domestic goals. A drawdown of forces would allow Obama to stop the loss of American and Afghan lives, reduce the drain on the federal budget and redeploy resources to create jobs and rebuild the battered US economy. If there is no prospect of success, it is immoral to continue putting lives on the line and wasting money and resources that could create jobs and improve lives at home.

§ The uncertainty over whether the administration will adhere to the July 2011 drawdown—along with the steady stream of bad news from Afghanistan—has led to growing opposition in Congress, which is beginning to reflect public opinion. In June a majority of House Democrats supported legislation demanding an exit strategy and a timetable for withdrawal, and in late July the number of Democrats voting against supplemental funding for the war tripled, to more than 100—among them David Obey, chair of the House Appropriations Committee.

For these reasons, political and diplomatic progress over the next year will be difficult. It would be better, therefore, for the administration to clear the air with a firm timetable for withdrawal and redirect its efforts toward regional diplomacy than endure another year of infighting and backstabbing. This would change the "America as occupier of Muslim land" narrative to "America as regional peacemaker." As much as some may associate Afghanistan with the attacks of 9/11, the crisis there is now a regional one, not a national security threat that requires nearly 100,000 US troops and more than $100 billion a year. So it calls for a regional solution—one that needs American diplomacy, not American boots on the ground.

Afghanistan poses a key test of President Obama's leadership, in part because it is one in which he must reverse course. But that change would offer immediate and long-term benefits to the nation if he acts with wise leadership now.

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Noted.

A WOMAN IN FULL: I first met **Iris Dornfeld McWilliams**, who died on July 10 at 97, in the fall of 1980. I'd just started my internship at *The Nation*, and **Victor Navasky** asked me to come to his office to meet the widow of *The Nation*'s former editor **Carey McWilliams**. Iris needed someone to help organize Carey's voluminous papers, and Victor thought I'd be just the right person. I was finishing my undergraduate thesis on the McCarthy era, and in my intern application I'd explained that I wanted to work at a magazine that fought so courageously for civil liberties during those scoundrel times. As for McWilliams, I considered him a lead watchman during those dark nights.

Iris and I developed a routine. I'd show up at the McWilliams apartment at West 115th Street at 9:30 AM sharp. Iris would let me in. I'd go straight to what had been Carey's study, filled with books he'd written or collected—many by longtime *Nation* contributors like **Frank Donner**, **Fred Cook** or **Robert Sherrill**—and I'd bury myself in the files and correspondence with people as remarkable as **Ambrose Bierce**, **Upton Sinclair** and **Robinson Jeffers**.

I was shy, and at first Iris seemed somewhat aloof. Then one day she asked if I wanted coffee. We started to talk a bit each day. Iris told me of the house she and Carey had owned and loved on North Alvarado Street in Los Angeles; of their courtship, which began while he was serving in California state government; of the financial and political troubles they experienced when Carey was called before the California state **Committee on Un-American Activities** in the 1940s. And she told me how, despite their passionate attachment to LA, they decided to move to New York City in 1951 so that Carey could edit a special issue on civil liberties for *The Nation*. Four years later he became its editor.

After some initial resistance, Iris embraced the city. She shared memories of how their apartment became a kind of oasis during the 1950s—a time Carey would later dub "The Vile Decade." As one longtime friend of theirs described the scene, "The intelligent and decent civil liberty types all drifted in, and as discouraging as the country seemed, the possibilities of an open and sane society seemed alive there." Iris also spoke of the insanity of those times, of the few friends she and Carey considered "cold war casualties"—three committed suicide because of the relentless political harassment, including the eminent literary scholar **F.O. Matthiessen**. What Iris remembered most vividly about McCarthyism were these personal tragedies, not the scabrous headlines.

Soon after, Iris started affectionately calling me Buster. Then she gave me copies of her two novels, *Jeeney Ray* (1962) and *Boy Gravely* (1965). She was proud that the British *Spectator* had described her second book as "a little cockatrice of a novel." I fixed on the dust jacket copy for *Jeeney Ray*, which said that Iris comes "from a family of singers, storytellers, bible-reciters, make-believers, and downright liars." I was convinced that she'd written it; Iris never denied this. I think she also liked my appreciation of the dust jacket photo showing an intense, elegant brunette with movie-star looks.

Iris had little patience for fools or conformists. She was unsentimental, free-spirited, feisty, plain-spoken, perpetually curious, kind, liked a drink, gracious and strong. She also held the right kind of grudges; when Navasky helped organize Carey's memorial service, Iris knocked a few names off the list because of the way they had treated Carey in tough political times.

She also hated injustice in whatever form. At a small memorial gathering held in Manhattan in July, her granddaughter **Susan McWilliams Barndt** explained, "Iris understood, with a damning clarity, what Socrates articulated more than 2,500 years ago: that injustice, at bottom, is nothing more than a failure of vision—the belief that the shadows and apparitions you see with your eyes are actually solid, the belief that the optical illusion is the truth. The greatest cruelty and indifference in our world, she knew, comes from the failure of people to see each other in full."

I'll miss Iris, a woman who never failed to see people in full. KATRINA VANDEN HEUVEL

CLEANING DIRTY ENERGY DEALS: Tucked into the financial reform bill President Obama signed into law on July 21 is a little-noticed provision that could shed some light on the darkest corners of the oil and gas industry. Once the law takes effect, most likely in 2012, all corporations registered with the **Securities and Exchange Commission** will have to disclose payments to foreign governments for access to oil, gas and minerals. The provision could be a global game changer, bringing accountability to lucrative back-room deals between top energy firms and resource-rich nations with some of the world's worst human rights credentials.

Operations that will come under the scanner include **Shell**'s contracts in Nigeria, which have drastically exacerbated economic disparities and fostered ethnic conflict in the Niger Delta; **ExxonMobil**'s dealings with openly kleptocratic Equatorial Guinea; and the **Yadana** gas pipeline deal, the largest source of revenue for the Burmese regime.

The need for transparency in the Yadana deal—a joint project run by the regime, energy giants **Total** and **Chevron**, and Thai firm **PTTEP**—is particularly urgent. For the 55 million Burmese, who have been denied access to democracy since a military dictatorship seized power in 1962, the law may help pinpoint how many billions in gas profits their leaders are pocketing—and increase pressure for economic and political reform.

Chevron and Total have refused to disclose details about the deal, claiming that their contracts with the Burmese regime prevent them from doing so. But Thailand-based NGO **EarthRights International** (ERI) recently estimated that Chevron, Total and PTTEP generated $9 billion from the Yadana project between 1998 and 2009, almost $5 billion of which went straight into the hands of the junta. **Matthew Smith**, senior international consultant at ERI, said the new legislation could be used as leverage to force the generals to implement reform. Though he believes corruption will endure "as long as the government isn't truly accountable," Smith argues that "there will definitely be a symbiotic relationship between a transparent natural resource sector in Burma, improved accountability and better governance. Transparency is the antithesis of authoritarianism." RAJESHREE SISODIA

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Race, Lies and Videotape

COMMENT

After months of Glenn Beck denouncing healthcare reform as "the beginning of reparations" and Rush Limbaugh accusing Obama of inflicting economic pain as a form of "payback," it is not a bit surprising that Tea Party activists found Andrew Breitbart's vilification of USDA employee Shirley Sherrod irresistible. In their universe the caricature of "Shirley Sherrod, Racist" perfectly symbolizes the quasi–Black Panther, secretly communist president. She's Obama's willing bureaucrat, an ordinary black civil servant who uses the mighty federal leviathan to discriminate against white farmers and to redistribute taxpayer wealth to fellow blacks. As one Tea Party blogger succinctly put it, "Next stop, Zimbabwe."

What is upsetting is that Agriculture Secretary Tom Vilsack fell for the hoax too, so hard that he was willing to trust Breitbart's account (!) before he heard Sherrod's side of the story or initiated even the most cursory of reviews. Perhaps more disturbing yet is that the NAACP—which recently called out the Tea Party's racism before rushing to repudiate Sherrod, only to later admit that it had been "snookered"—initially accepted the right-wing story line.

These are worrying signs not just of the reflexive credibility given to video and of the power of right-wing media but also of just how entrenched the myth of pervasive reverse racism is. Far older than the Tea Party, this fable has been told to white middle- and working-class voters since the Reagan administration to explain their dwindling paychecks and prospects: racism is over; it is minorities who now have too much power; *they* are stealing your jobs, your future. It's a bit of cognitive razzle-dazzle. Who can focus on the machinations of neoliberal economics when the Zimbabwe-fication of America is nigh! Obama, of course, crystallizes this narrative, giving it power, motive, a face to deface. But it also litters, for example, the backlash to civil rights law since the '70s, in *Bakke v. Regents*, in *Gratz v. Bollinger* and in *Ricci v. DeStefano*, the New Haven affirmative action case that got Sonia Sotomayor into so much hot water with the right.

This is the era of colorblind racism, the belief that racism is evidenced only by individual acts of speech and prejudice, which anyone of any color is equally likely to commit. It's this logic that the NAACP acceded to when it phrased its rebuke of the Tea Party's racism as a function of "bigoted elements" and "signs and speeches." It is also what the Daily Beast's Peter Beinart affirmed in his postmortem on the Sherrod saga, in which he suggested that Obama and the NAACP should abandon race-based affirmative action in favor of class-based affirmative action because "race isn't as central to American inequality as it once was." Ditto for Democratic Senator Jim Webb, who took the occasion to lament the fact that "WASP elites have fallen by the wayside" and call for an end to affirmative action programs because when "Procrustean policies" are abandoned, "fairness will happen, and bitterness will fade away."

Notice here—in kinder, gentler form—the same zero-sum politics that governs the right-wing backlash to the civil rights movement: minorities' gains come at the expense of working-class whites, and both will have to battle it out for their ever shrinking slice of the pie. It's class or race—never both.

Had anyone bothered to listen to Sherrod's whole speech before denouncing her, they would have come away with quite a different lesson. Yes, she talks about how she learned to overcome her wariness about helping a white farmer and her realization that "the struggle is really about poor people"—but there is never any suggestion that she views racial and economic justice as mutually exclusive. In fact, she points out that of the 129 employees in her USDA division, Rural Development, fewer than twenty are people of color. Had anyone bothered to look at EEOC data, they would have seen that although minorities make up only a third of federal employees, they file 77 percent of racial discrimination complaints; a minority is almost seven times more likely to report an incident of racial discrimination than a white federal employee. Or note the impact of rampant deregulation: as a recent Institute on Assets and Social Policy study points out, poor whites have experienced economic stagnation in the past quarter-century; their net wealth went from zero to $100. But in the same period, the poorest blacks experienced not just stagnation but decline, going from -$2,000 in wealth to -$3,600.

Neither the Obama administration nor the NAACP noted these or similar statistics in response to the smearing of Shirley Sherrod. It's as if we want to put this whole "thing" behind us, to blame it all on the conservative boogeymen, to focus on class-based remedies or to transcend race altogether—remember Andrew Sullivan's hope that Obama's election would say "Goodbye to All That"? But black man in White House aside, we still don't want to have an honest discussion about race and class together. But this only gives oxygen to the Breitbarts of the world—those who would use race as a wedge to split white working-class and minority voters. And perhaps that's the ultimate takeaway of the Sherrod story: our silence will not protect us.

RICHARD KIM

Calvin Trillin, Deadline Poet

Adieu, Tony Hayward

NEW ORLEANS (AP)—Gaffe-prone BP Chief Executive Tony Hayward—who incensed many on the Gulf Coast by saying he wanted his life back as they struggled with the fallout from the company's massive oil spill—will be replaced, a senior U.S. government official said Sunday.

It seems that BP's Tony Hayward,
Whose comments tended toward the wayward,
Eventually will get the sack.
He'd sung a very sad sonata
On almost missing one regatta.
His wish came true: his life is back.

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Colorado's Choice

COMMENT

If Colorado's Democratic US Senate primary were simply a contest between former Assembly Speaker Andrew Romanoff, a savvy activist and organizer who has played a leading role in the remarkable renewal of the state party's fortunes, and Michael Bennet, former managing director of an investment firm whose tenure as superintendent of the Denver public schools stirred so much resentment from teachers that their union is leading the charge for Romanoff, it wouldn't be much of a contest. There are few scenarios where Romanoff, a progressive with honors from *Governing* magazine as a 2008 "Public Official of the Year," would have much trouble beating Bennet, who grew up in a politically connected Washington family and is mounting his first campaign in Colorado.

The August 10 primary is no simple contest, however. When Senator Ken Salazar became interior secretary, Governor Bill Ritter quickly tapped Bennet to replace him. Bennet now runs with the trappings of incumbency: a campaign treasury overflowing with special-interest money and a warm endorsement from Barack Obama. For a time, it seemed that would be enough to secure Bennet the Democratic nod in a year when national party strategists want to protect incumbents, and local Democrats fret that their recent winning streak—they control the governorship, both Senate seats, a majority of House seats and the legislature in a state that backed George Bush in 2000 and 2004—might be tough to maintain. Romanoff faced pressure to avoid forcing a primary; there were hints about Obama administration job offers similar to those Pennsylvania Congressman Joe Sestak said were made to prevent him from mounting the challenge that displaced Obama-backed Senator Arlen Specter.

But Romanoff went for it, launching an unapologetically populist campaign decrying "sabotage" not only by "Republicans who stand against us" but also "Democrats who sell us out." That's not exactly a dig at Obama, but Romanoff is swinging hard at Bennet, whom the challenger accuses of taking corporate cash and then buckling on big issues such as Wall Street reform, with votes against amendments to break up "too big to fail" banks and protect homeowners from foreclosures. "The voters of Colorado face a fundamental choice," says Romanoff. "We get to decide whether to perpetuate a pay-to-play political culture that sells Senate seats to the highest bidder or to restore the role of people as the legitimate source of power." Bennet backers counter that he's voted with Senate Democrats on major issues, and they accuse Romanoff of running a "scorched-earth" campaign. Romanoff—who refuses PAC money—has hit back by releasing detailed lists of contributions to Bennet from finance, insurance and pharmaceutical giants and the oil industry. In fairness to Bennet, some of that money comes from labor unions.

Bennet's campaign argues that Obama's backing and their man's money advantage will see him to victory, and they may be right. If Bennet has the bucks and the TV-time advantage, however, Romanoff's got the base; at the state Democratic Assembly in May, 60 percent of delegates backed him. Many of these hardcore party activists share the view of Bill Clinton, a Romanoff backer, who says the ex-legislator has "the best chance to hold this seat in November." There's a general sense that Democratic prospects are looking up in Colorado, as the Republicans eat their own—the party's gubernatorial contenders are plagued by so many scandals that former Congressman Tom Tancredo is preparing to mount a third-party campaign. A GOP Senate primary pits former Lieutenant Governor Jane Norton, the choice of DC strategists, against local prosecutor Ken Buck, a Tea Party favorite who says Republicans should back him because "I do not wear high heels." Even as the Republicans batter themselves—and, in Norton's case, scare independents by expressing regard for Tancredo's view that Obama poses "a more serious threat to America than Al Qaeda"—2010 could still be a hard year for Democrats who come off as Washington insiders. This is the point Romanoff keeps hitting home as he tells grassroots Democrats that his campaign's message "to our own party is this: stiffen your spine or step out of the way."

That's a resonant line. In a tough election year for Democrats, economic populists—especially those who gain nomination by taking on the national party establishment—are a lot more likely than centrist technocrats to defeat Tea Partisans. The same goes for the Senate, where there is nothing the Democratic caucus so requires as an infusion of progressives with legislative skills—and independent streaks that allow them to work with the president when possible but challenge him when necessary. JOHN NICHOLS

@TheNation.com

Nation writers reflect on what we've learned from the leaked military and intelligence reports on the Afghanistan war: **Robert Dreyfuss** says the documents confirm the links between Pakistani intelligence and the Taliban; **John Nichols** examines the implications for US involvement in Pakistan; and **Greg Mitchell** analyzes the media reaction.

With scores of coastal residents out of work since the oil spill, BP is hiring inmates to clean up its mess—and is getting lucrative tax breaks in the process, writes Abe Louise Young in **BP Hires Prison Labor to Clean Up Spill While Coastal Residents Struggle**.

Each week, *Nation* contributors appear on GRITtv to expand on their reporting for the magazine. This week on **The Nation on GRITtv**: Katrina vanden Heuvel on WikiLeaks, Andrew Breitbart and rolling back Bush-era tax cuts. And Lynn Harris appears with researcher Elizabeth Miller to discuss dating violence and reproductive control.

The Shirley Sherrod debacle demonstrated how skittish the Obama administration is on issues of race—but it is also a proud instance of racial cooperation, writes Melissa Harris-Lacewell in **Finding Racial Inspiration in the Shirley Sherrod Story**. And in **The Shame of the Fourth Estate**, Charles Kaiser argues that the mainstream media's longtime kid-glove treatment of Breitbart led directly to Sherrod's unjustified ouster.

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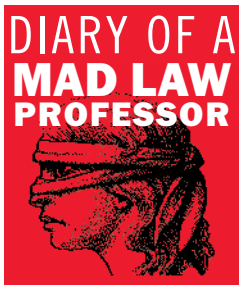
Patricia J. Williams

The Farmer in the Dell

Good morning, dear pupils! Please settle down, take your seats. Today's class will be another exciting lesson in our infinite series of teachable moments. Hush now, stop the giggling. This is important, and we're never going to graduate until we master the basics of how to read and write. We will begin with a nice little fairy tale that I'd like you to read aloud:

"Old Man Sherrod and his wife had a farm. It was a black farm because they were black farmers (not that any God-fearing person can actually see color, but the Sherrods were always making a terrible fuss about how being black was just so gosh-darned awful). The Sherrods beat their cows and mistook nonblack farmers for pigs and plowed their fields with salt. Plus, they were socialists. When a kindly banker wrestled the poor farm away from the Sherrods' greedy proprietary grip, the black-hearted thug-king of the realm threw the kindly banker into the dungeon, knighted Farmer Sherrod (now to be addressed as 'Sir,' no less!) and welcomed Farmer Sherrod's wife into his court as chief counselor on how to grow turnips."



So, dear class, here is your assignment. Take out your crayons and draw a picture of each one of the characters in the story. What do they look like? How much of what you have drawn comes from the actual words of the story? How much of your picture comes from your imagination? Use a green crayon to circle the parts of your picture that come from the actual words. Use a flesh-colored crayon to circle the parts that come from your imagination. Now here's the hard part: try to think of the pathways in your head that took you from the actual words to the imaginary parts. Give each of those pathways a name.

OK, now stand up, arms to the sky, then touch your toes and let's move on to the next exercise. Now that you've read a story, it's your turn to craft one of your own. This time, I want you to rewrite the tale you just read, only from Farmer and Mrs. Sherrod's point of view. Ready? Set? Go!

Time's up. So, was that harder than just reading the first story as given? Could you write about the Sherrods as heroes of your story using the words in the original story? Was the first story hard to get out of your head? Draw your story. Is the picture entirely imaginary? Is it as easy to draw pathways from the actual words of the original story to the images in your story?

OK, time to frame your pictures. First, let's think about perspective and ask ourselves how they should be hung on the wall. Is there a relationship between the first picture and the second? Should they be hung in the order that we worked on them? If I'd asked you to write your heroic farm story first, before we read the one I gave you, what might you have written? Does it matter that you were told the Sherrods were villains first? Does the sequence of the stories affect our perceptions of their meaning?

Second framing exercise: I'd like you to examine just the parts of each story that you identified as having come from your imagination—yes, that's right, those pathways from the actual words of the given story to the imagined parts. Did you label them nice and neatly? Let's see if those pathways lead us anywhere. Oh, well done, Arbuthnot—look, class, his pathway is labeled "From anecdotal to the general." And regard young master Evangeline's! "From the local to the unknown." Excellent, Sebastian: "From witness to belief." Intriguing, Galileo: "From the analytics of telling to teleological whimsy."

Good work, all! Jumping jacks! Shake the cobwebs off!

Now that you can read and write, it's time to play a silly game, just for kicks. Take your scissors in one hand and your pictures in the other. Cut your pictures up into a hundred tiny pieces, then paste some or all of the pieces into a new picture that has absolutely no resemblance to the original. I'll go first. Here's my story: "Shirley hates it when her children leave their clothes on the floor and the new puppies chew them all to shreds." Snip, snip, snip. *Et voilà!* My new version: "Shirley hates children and puppies." Wait, wait, here's another: "In order to beat the heat, Charles took his wife to the beach." Slice, slice, slash: "Charles beat his wife." See how easy it is? And how much fun? OK, let's divide into teams and see who can come up with the most random, ridiculous and insinuating ellipses we can think of. The name of this game? Redactio ad Absurdum. It's not the same as reading and writing, but it always makes you wonder about the bigger picture.

Oops, there's the bell. Next time we'll talk about how you can tell whether the first story you read is or is not itself the product of a Redactio ad Absurdum. For example, what if the fairy tale with which we began this class was actually just a mishmash of a totally different, much longer story I didn't tell you? Ha! Snookered you, did I? Well, here's your assignment—mind you, it's a lot of pages with lots of big words, but if you don't put in the time to do your homework, you will never get to enjoy life's really big pictures.

Assignment: Shirley Sherrod's speech to the Georgia NAACP (americanrhetoric.com/speeches/shirleysherrodnaacpfreedom.htm); Charles Sherrod's speech to the University of Virginia conference on fifty years of civil rights activism (youtube.com/watch?v=m22eXuYNbkY); *Pigford v. Glickman*, 206 F. 3d 1212—Court of Appeals, Dist. of Columbia 2000 (scholar.google.com/scholar_case?case=2290363256633039271&hl=en&as_sdt=2&as_vis=1&oi=scholarr); "Significant Dates in Black Land Loss & Land Acquisition," Federation of Southern Cooperatives Land Assistance Fund (federationsoutherncoop.com/landloss.htm). Calculate the number of black farms lost since the 1960s (Appendix Table 3, Black Farmers in America, 1865-2000, USDA) and the overall farms lost since 1959 (rurdev.usda.gov/rbs/pub/rr194.pdf). ■

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Eric Alterman

Journalism's Age of Shame

The black political art of "working the refs" with constant and vociferous complaints of "liberal bias" in the media has a long and distinguished history. Few of its practitioners, however, have succeeded so frequently—and nakedly—as the ex-Drudge drudge and and Arianna acolyte Andrew Breitbart. The estimable E.J. Dionne terms Breitbart to be the MSM's virtual "assignment editor" and, indeed, it's hard not to be impressed. Breitbart has already been exposed as a provocateur who cares not a whit for honesty or accuracy in his self-declared war on all things liberal. Yet reporters, editors and producers remain so frightened by his accusations that they continue to trumpet them as they search their souls to purge themselves of the bias that prevented them from seeing the world from a Tea Party point of view.

Remember, the very same techniques deployed to defame Shirley Sherrod and discredit the NAACP were employed to destroy ACORN, albeit aided by the idiocy of a couple of low-level ACORN employees. Breitbart's underlings, the admitted criminal James O'Keefe and his associate Hannah Giles, lied to ACORN about their respective identities for the purpose of surreptitiously taping their words and actions and then releasing a doctored version of the tape to the credulous media. They misrepresented their own dress and demeanor in this visit—they were not dressed up as a comic-book pimp and ho—and O'Keefe also claimed that an undercover video campaign was a "nationwide ACORN child prostitution investigation" implicating numerous ACORN employees. In the heavily edited videos Breitbart released of their encounters at eight ACORN offices, he (and they) failed to note that in at least six of these, they did not get their desired result. (Some ACORN employees contacted the authorities.) Of course, we did not learn any of this until *after* the MSM conspired with Breitbart and company to help destroy ACORN based on this false and defamatory narrative.

Recall, again, that vis-à-vis ACORN, media *machers* could not flagellate themselves fast enough for their previous failure to follow Breitbart into the gutter. Tom Rosenstiel of the Project for Excellence in Journalism explained, "Complaints by conservatives are slower to be picked up by non-ideological media because there are not enough conservatives and too many liberals in most newsrooms." *Washington Post* executive editor Marcus Brauchli worried, "We are not well-enough informed about conservative issues. It's particularly a problem in a town so dominated by Democrats and the Democratic point of view." *Post* ombudsman Andrew Alexander added that "traditional news outlets like *The Post* simply don't pay sufficient attention to conservative media or viewpoints." *New York Times* managing editor Jill Abramson admitted "insufficient tuned-in-ness to the issues that are dominating Fox News and talk radio." Meanwhile, on ABC News, George Stephanopoulos thought the ACORN fable worthy of being raised in a rare one-on-one interview opportunity with President Obama, who replied that he wasn't following the story very closely and, by the way, had more important problems to address. (US grants to ACORN, already suspended at the time, accounted for less than one-thousandth of 1 percent of annual US government spending.)

In the now infamous case of Shirley Sherrod, Breitbart deployed doctored video again to falsely accuse Sherrod of discriminating against whites as a federal employee, pretending that a story about overcoming racism was really one endorsing it. When that lie was exposed, he insisted that his real target had been the NAACP, for allegedly cheering on Sherrod's alleged racism. This too was a lie. There was no applause in the undoctored video for any racist statements. Nothing Breitbart said about the story checked out once the full video became available.

And the MSM *machers*? Well, they can't help but notice that they got taken this time, but they prefer to chalk it up to "ideology." "There's been this proliferation of partisan media—whether it's MSNBC and Fox at night, or it's Breitbart on the right or Huffington Post on the left," complains *Politico* executive editor James VandeHei, and it makes honest folk like MSM reporters "overreact." Writing with *Politico* editor in chief John Harris, VandeHei pronounces the dawning of an "Age of Rage," equating Breitbart and company's perversion of the truth with the fact that some liberal journalists and academics participated in occasionally less than polite discussions about conservatives (and one another). The private discussions of this listserv, called "Journolist"—discussed in my previous column—were either hacked by or leaked to Tucker Carlson's right-wing website, The Daily Caller, and, as with the Sherrod tape, edited for the purposes of deception and false accusation. In the careless reasoning of the *Politico* honchos, these discussions deserved equation with Breitbart's nefarious techniques because both "featured sharp personal attacks against political opponents. Both revolved around indignant claims from people claiming to be victims of bias and the corrupt ideological agendas of their opponents—all the while stoking and profiting from the bias and conspiratorial instincts of partisans on their own side." As a result, they worry, "Responsible people in power and in the mainstream media are only beginning to grapple with this new environment—in which facts hardly matter except as they can be used as weapon or shield in a nonstop ideological war."

Talk about facts hardly mattering. Do the *Politico*s even notice that they are embracing yet another false narrative put forth by right-wing ideologues? If this is how "responsible people in power and in the mainstream media" distinguish between truth and falsehood, no wonder Breitbart and company feel empowered to lie and manipulate data to suit their ideological agenda. Call it journalism's "Age of Shame." ■

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JOHN McCAIN'S LAST STAND

ROSS D. FRANKLIN/AP

GOP primary challenger J.D. Hayworth greets supporters in April.

He'll probably fend off J.D. Hayworth, but in order to win he's lost most of his principles.

by MARC COOPER

Phoenix

Rob Haney's got a big problem. After a stint in the Air Force and a thirty-year career with IBM, Haney is now a full-time political activist. And he can't decide who he viscerally hates and fears more: the hierarchy of the Catholic Church or Senator John McCain.

It's a toughie for him. This is the sort of middle-of-the-night quandary that might bedevil a liberal secular humanist. Or some sort of atheist progressive Democrat. Haney, however, is the elected chair of the Republican Party of Maricopa County, which includes Arizona's capital, the fifth-biggest city in the United States. And whatever one thinks of John McCain, spending a half-hour or so with Haney boldly underlines the challenges the former GOP presidential candidate is facing in his August 24 primary battle against ultraconservative challenger and former Congressman J.D. Hayworth.

McCain hasn't had a serious primary challenger since his maiden Congressional race, in 1982, and he's never had a serious Democratic rival. Even in his earlier, more "maverick" incarnation, being out of sync with the state's hardline GOP activist base, and even much of its midlevel officialdom, carried little liability. McCain was the only game in town.

But not this time around. The volatile and frankly extremist mood of the Arizona Tea Party, the inflammatory immigration issue and the sour disposition of voters in general—all exploited by and embodied in Hayworth—have unexpectedly landed McCain in the fight of his political life. Indeed, he has lurched so aggressively to the right to counter Hayworth and appease voters like Haney that hard-right blogger Michelle Malkin says she has had to take Dramamine to avoid motion sickness watching McCain. Not that his movement has bought him much affection from the frayed right edge of Arizona politics.

"One night in the '90s I went to Mass and the priest prayed for forgiveness for Bill Clinton," Haney, an ardent Hayworth supporter, says with obvious disgust. "That was it for me. The US Conference of [Catholic] Bishops, we believe, is a socialist organization with a socialist agenda."

"John McCain is right in bed with them," he continues while munching a bagel. "He says, 'Character matters.' Get me a barf bag! John McCain is the spearhead of socialism in America." The proof? Haney's ready with a list of indictments: "Campaign finance reform. McCain took away our freedom of speech. He closed down gun shows with the help of far-left extremist George Soros. He led the closing of Guantánamo. He's supported legislation that allows our country to be invaded by illegals. And those illegals all look to the Democrats because they promise everybody money through the public trough. That leads to a socialist country and destroys capitalism. We're already there. Thank you, Senator McCain."

It's pretty hot on the cafe patio where we've been talking, but this sort of delusional politics has little to do with the latest heat wave. It's been ingrained on the fringes of Arizona Republican politics for the past thirty years. Since the early 1980s, the extreme nativist right has made a concerted effort to capture the machinery of the state's GOP, often putting the party and some of its more temperate elected officials (McCain, Representative Jeff Flake and former Representative Jim Kolbe) in two different worlds. Now that activist fringe is actively trying to ditch McCain.

"I dealt with these folks as AG," says Grant Woods, a moderate Republican and former state attorney general. "I'd go to national conferences and be seen as center-right. Then I'd come back home and be seen as Mao Zedong." (Woods spoke with me as a private citizen; shortly after our talk he was brought into the McCain campaign as a senior adviser.) "Haney's a nut. He and his whole crowd. Most people involved in Arizona Republican

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politics are nice and well-meaning, but it's those extremists who have the time to go to all the meetings and pretty much dominate the party machinery. These are the same folks who wanted to take Barry Goldwater's name off the GOP headquarters because they thought he was too liberal."

There's such bad blood between McCain and the official Arizona GOP that in mid-May, McCain spun off part of his campaign team to form a separate Republican Victory Committee. This would allow the RNC and other national GOP rainmakers to funnel money directly to his campaign without having to pass through the unreliable channels of the state party, whose chair, Randy Pullen, is another McCain foe and champion of the pitchfork brigades.

Meanwhile, all those extremists, as Woods calls them, who've burrowed into the nooks and crannies of Republican precinct and county committees have found a candidate they like—no, *love*—this year. They have zealously rallied around the blustering, six-foot-five figure of 51-year-old Hayworth, who, after his 2006 re-election defeat and until he declared his candidacy, spent his time as a Limbaughish talk-radio bloviator (on his show Hayworth called Woods an "ambulance chaser" and "lower than some forms of bacterial algae"). He's galvanized the Tea Partyers, the Minutemen, the birthers, the cranky libertarians and just about everyone feeling aggrieved in a state battered by economic catastrophe. Phoenix is ground zero for the national housing crisis, and 51 percent of the state's home mortgages are underwater. With the state's real unemployment rate, counting the underemployed and those who have stopped looking for work, around 17 percent, it should come as little surprise that anti-immigrant scapegoating has come back into fashion. And Hayworth has been riding Arizona's infamous new immigration law, SB 1070—which requires law enforcement authorities to check the papers of anyone they suspect of being in the country illegally and makes failure to carry immigration documents a crime—as his own political Seabiscuit.

The extreme nativist right has made a concerted effort to capture Arizona's GOP, often putting the party and moderate elected officials at odds.

Nevertheless, Hayworth's chances of winning are fading quickly, thanks mostly to his comical ineptitude. In the meantime, though, his campaign has not only drawn national attention but has also managed to put McCain on the defensive and turn what should have been a cakewalk for the 73-year-old incumbent into a messy slog.

Moderate Arizona Republicans (a definite minority), spooked by McCain's radical repositioning, are finding themselves in the same fix as progressive Democrats disillusioned with Barack Obama—with nowhere to go except to support the incumbent. "First there was a maverick, then there was no maverick—and now, there's *really* no maverick," says one grumpy Republican consultant, paraphrasing the old '60s standard by Donovan. "It's either McCain or the deluge."

No question that the McCain-Hayworth race energized all factions of the GOP by presenting them, and anyone else paying attention, with a bare-knuckled, down-and-dirty mud match. It splattered onto the screen during the two back-to-back debates in mid-July, when the (statistically tiny) audience saw two candidates openly sneering at each other. McCain fired the first shot, attacking Hayworth for an embarrassing recent revelation that he had fronted as TV pitchman for an infomercial promising anyone naïve enough to pay that they could get free funding—from a federal government that Hayworth supposedly despises. "J.D. Hayworth was a lobbyist," said McCain. "He was in late-night infomercials.... My God, man, didn't you know that this was a group that was taking people's money to say it could give them free money?... No one can say they're a conservative when they engage in that kind of activity."

Hayworth, who had earlier called his infomercial appearance a mistake but qualified it by saying "caveat emptor," pushed back, accusing McCain of gutter politics. It "really is unbecoming of you, John," Hayworth responded. "You're not a statesman anymore—you're a political shape-shifter." Which is softer language than Hayworth had used before entering the campaign, when as talk-show host he had branded McCain "Weenie of the Week."

If nothing else, the challenge lit a bonfire under McCain, who had often been accused in earlier contests of being too aloof from Arizona's concerns. "Not this time. What you're seeing now is his total military psyche," says one of McCain's former regional presidential campaign managers. "It's all-out war. He set out not only to defeat Hayworth but to annihilate him." Adds Phoenix-based Democratic consultant Mario Diaz, "McCain started carpet-bombing Hayworth from the first day."

A full six months before the primary, McCain used his outsize war chest to go on the air and web with a barrage of attack ads, ripping away at Hayworth as a fraud and, more recently, a "huckster." And McCain started spending more time in Arizona. "The state is usually little more than a pit stop for McCain," says Diaz. This is a point conceded by several former members of the senator's inner circle. "John never overcame the original sin of being seen as a carpetbagger, as someone who didn't pay much attention to Arizona," says a former legal adviser (McCain didn't settle in the state until 1981, when he was 45). The former regional campaign manager concurs: "He's a bigger-than-life national figure. Which means he is often seen as bigger than Arizona." Members of his former inner circle admit that when it comes to the nitty-gritty side of state politics, McCain has been chronically MIA. Mixing it up with grumbling hoi polloi was never his strong suit.

On the advice of some of these presumably more moderate former advisers, in March McCain brought in Sarah Palin to campaign for him, and thousands came to two weekend rallies—

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although many said they were there to see Sarah Barracuda rather than the senator, who stood humbly behind Palin, his hands crossed, as she cranked up the masses.

Vastly outspent, Hayworth relentlessly fired back, striking at McCain's every possible vulnerability (at one point in the spring, Hayworth narrowed the race to a five- or six-point gap, but McCain subsequently opened up what is probably an insurmountable fifteen- to twenty-point lead). Casting himself as the "consistent conservative," Hayworth has hammered away at McCain's earlier support for "amnesty"—his co-sponsoring of the 2006 McCain-Kennedy comprehensive immigration bill. A watered-down version failed a year later in the Senate, but at the time it was considered the most liberal stripe of reform legislation with a realistic chance of being passed.

Former Attorney General Woods brushed off the effectiveness of the anti-immigration argument. "With everything else going on, I don't think this is a front-burner issue," he said. But that was in an interview conducted before the April approval of SB 1070. Most other analysts reject Woods's take. While the immigration issue has waxed and waned in Arizona politics and the electorate is often far more nuanced and divided on the issue than superficial media reports suggest, this season the seal-the-border-and-round-'em-up sentiment is once again red-hot. Go to any Hayworth event or talk to any Hayworth supporter, and within sixty seconds you're bound to hear of McCain's traitorous support for "amnesty." This, despite McCain's shameless efforts to close all space between himself and Hayworth by renouncing or denying all his former positions on immigration and making himself almost indistinguishable from the Minutemen when it comes to border politics.

McCain has shamelessly renounced his former positions on immigration, making himself almost indistinguishable from the Minutemen.

While some scattered Republican centrists are horrified by McCain's attempt to outflank Hayworth on the right, many more, like Woods, express no fear. They say in private that this is only a campaign tactic, and that once Hayworth is defeated the more independent John McCain will somehow re-emerge. "Come on, he's not going to be brainwashed by Sarah Palin," says the former regional campaign manager. "This is McCain's final campaign. He already has the license to be a maverick, and right now he is not running for president and never will again. I just don't see him being weighed down by any of this, and when this race is over he will drift back."

That's a bit difficult to grasp, mostly because McCain would have to be a world-class acrobat to undo the pretzel-like positions he has assumed in the past year. He told *Newsweek*, "I never considered myself a maverick," although he wrote a book subtitled *The Education of an American Maverick*. Within hours of passage of national healthcare reform, McCain sent out a "repeal this bill" appeal to his supporters, turning his back on earlier attempts to be a moderate, across-the-aisle broker. He has reversed his support for cap-and-trade and other climate change legislation. He is opposing confirmation of Supreme Court nominee Elena Kagan. He has flipped on gays in the military (in 2006 he said he was ready to scrap "don't ask, don't tell" as soon as the military brass were ready, but earlier this year, when they said they were, he said he was "disappointed" and that this was not the time). He claims he was "misled" into supporting the initial bank bailout, for which he briefly suspended his presidential campaign to help ram it through the Senate.

But McCain's most dramatic backtrack has been on what was once his signature issue: comprehensive immigration reform. He's put out TV ads urging accelerated construction of the border wall, and he says the 1,200 National Guard troops ordered to the border by Obama are way too few. In early July he told Tucson talk-radio for the first time that he favors deporting the undocumented even though he once supported a legalization path for those here without authorization. "No amnesty," he said, adopting the language of his anti-immigrant opponents. "Many of them need to be sent back." And this summer he pledged a $5,000 contribution to a legal fund to defend Arizona law enforcement against challenges to SB 1070. He's appeared in TV commercials with Pinal County Sheriff Paul Babeu, one of the leaders of the campaign to defend Arizona cops against lawsuits stemming from the bill and a regular voice on some of the more extremist, conspiracy-ridden AM gabfests.

None of these genuflections to the fringe seemed to soothe the sensibilities of 200 supporters of the Mesa Red Mountain Tea Party, who on a recent Thursday night overflowed a suburban Phoenix private school gym to host Hayworth. With no TV cameras present, there were none of the theatrics often associated with Tea Party events—nobody in a tricorn hat or holding a replica musket. Just a lily-white crowd of what appeared to be downwardly mobile, angry, lower-middle-class folks. A few introductory speakers sounded a Paul Revere–like alarm that the country was crumbling; that we were "under invasion"; that majority rule was "like two wolves and a sheep voting on what to have for lunch"; that the Fourteenth, the Seventeenth and a couple of other amendments had to be repealed; and that the border must be blockaded—by any means necessary.

When Hayworth finally took the podium, he launched into a rambling and rather dull speech explaining why he was running, at one point comparing his 2006 Congressional loss to Churchill's defeat after World War II. He didn't really ignite the crowd until he returned to the hot-button issue of the border. "Article 4, Section 4 of the Constitution guarantees a republican form of government that shall protect each against foreign invasion," he thundered. "It's unconscionable that nearly a decade after 9/11, border security is still a national security issue and that there has already been an invasion." Riding a standing ovation, Hayworth ripped into McCain's support for "amnesty," and for good measure he threw a jab at the senator for formerly opposing torture, saying, "McCain's rules are, for terrorists, like teaching to the test." Another room-rattling ovation.

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Hayworth certainly locked up the support of the Mesa Red Mountain Tea Party. But over the past few months he has declined from being a serious challenger to little more than a punching bag, limping through the final month of the campaign. Indeed, it speaks volumes about the estrangement between McCain and the Arizona base of his party that Hayworth could ever, even briefly, have been considered more than marginal amusement. In what political universe does a defeated former Congressman seriously challenge a long-incumbent senator and former presidential candidate? Answer: one in which the incumbent, though barely tolerated by much of the party base, never had to face a serious challenge and could be automatically re-elected on a strictly partisan basis. McCain was the Republican guy, period, so he never really had to put out much effort to win.

Initially, Hayworth deftly capitalized on the insurgent impulse of the right, but time was his enemy. The longer the campaign went on, the more time he had to make a fool of himself. In 2006 he wrote a book, *Whatever It Takes*, proposing a moratorium even on legal immigration from Mexico. The book flopped, and later that year he was tossed from the House by a relatively low-profile Democratic underdog. McCain, for once, was being straight when one of his web videos branded Hayworth one of the "dumbest" ever to have served in Congress; he was once voted the second-biggest "windbag" in Congress by *The Washingtonian* magazine. He took some $69,000 in contributions from convicted felon Jack Abramoff and his clients. (Hayworth claimed at the Tea Party meeting that criticism of his link to Abramoff was racist, because many of the Abramoff clients who donated to him were from Indian tribes.) During his campaign against McCain, Hayworth said that gay marriage could lead to bestiality and "you could marry your horse." In one speech he claimed the United States never declared war on Germany during World War II. One of his early endorsers, former Minuteman leader Chris Simcox, is currently on the lam, evading a restraining order for domestic violence. Hayworth's most vocal booster and constant sidekick, Maricopa County Sheriff Joe Arpaio (the self-declared "meanest sheriff in America"), is under federal scrutiny for possible abuse of authority. And the unearthing of the 2007 video of Hayworth fronting the con-job infomercial just about knocked him to the mat.

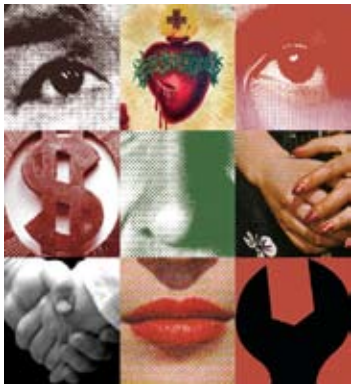
If McCain had stuck to some of his more centrist positions, he probably would still have been able to beat Hayworth. "In tough economic times, bestiality can't be the heart of your platform," gloats one top McCain campaigner. True enough. But what sort of victory will McCain garner in what, most likely, is his last stand? Odds are he will retain his seat against whoever emerges from a weak and divided Democratic field. The political cost, however, will be incalculable. McCain blew through much of his moral capital as an independent thinker in his bitterly partisan 2008 campaign. Now he has become the mirror image of those on the GOP's far right who smeared him in the 2000 South Carolina presidential primary. On hardly a single issue of significance can daylight be found between McCain and a challenger always known as a buffoon. The only difference is that McCain is a much more skilled politician and no doubt a lot smarter than J.D. Hayworth. Once the latter is defeated, the only serious challenge McCain will face is grappling with the ghost of his past. ■

The Game Change

Nine reasons Democrats should embrace immigration reform this year.

by GREG GRANDIN

For decades, progressives and Democrats have searched in vain for a wedge issue to call their own, something that could match the success Republicans have had in using race, abortion and homosexuality to split the electorate. Yet unable even to leverage environmental catastrophe, drastic economic inequality and near global financial collapse to their advantage, Democrats have instead mastered trimming and triangulating, accepting much of the conservative agenda while promising to implement it more effectively. But if Democrats could overcome their shortsightedness and embrace immigrants' rights—as passionately as Republicans mobilize around tax cuts, fetuses and war—they may find the holy grail they've been looking for, one with the power to transform domestic and foreign policy. Here are nine reasons immigration reform, especially legislation that will grant citizenship to the millions of undocumented Latinos, is a progressive game changer:



TIM ROBINSON

1. Immigration reform ends the Southern strategy. For more than four decades, the conservative movement's base has been the segregationist South, subsidized by an archaic Electoral College system that grants disproportionate power to majority white voters in Southern states. The enfranchisement of millions of undocumented Latino workers, combined with the votes of Latino citizens, would change that, turning red states purple and purple states blue. Almost 10 million Latinos voted in 2008, 7.4 percent of the total, and a large majority voted for Barack Obama. Analysts

Greg Grandin teaches history at New York University. His most recent book, Fordlandia, *now out in paperback (Picador), was a finalist for the Pulitzer Prize in history.*

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believe Latinos were responsible for giving the president larger than expected victories in key swing states like Nevada, Colorado and New Mexico. They helped him squeak out a win in North Carolina and forced John McCain to defend Republican strongholds like Georgia. Then there are Texas's thirty-four electoral votes, without which the GOP's chances of winning national office collapse. Latinos make up more than 20 percent of registered voters there, with their turnout increasing 30 percent between 2000 and 2008. Even direr for Republicans, in ten years Latinos are expected to be the state's largest ethnic group, surpassing whites. By 2040 they will be an absolute majority.

Every election cycle, the number of registered Latinos, as well as actual voters, increases. They are trending Democratic—67 percent voted for Obama, up from 59 percent for Kerry in 2004. Democratic support for reform would ensure that this trend continues. Seventy-eight percent of Latino voters identified immigration as important to them and their families; 62 percent say they know someone who is undocumented. Forget futile efforts to abolish the Electoral College; the best way to wrench the dead hand of the Confederacy off the throat of the political system is to enfranchise Latinos.

2. It wins back the Catholic Church to social justice. Catholics, mostly white ethnic working-class migrants, were stalwarts of the New Deal coalition. But they began to peel away in 1980, with the backlash to *Roe v. Wade*. In 2004 the future pope Benedict XVI, then the head of the Vatican's Congregation for the Doctrine of the Faith, helped Karl Rove execute his "Catholic strategy," urging priests to deny communion to politicians who support abortion (i.e., Kerry). The combined Catholic vote roughly split that year, with white Catholics breaking for Bush and Latinos for Kerry.

But immigration reform now has the potential to trump abortion as a wedge issue. Latinos, who make up one-third of its membership, are the best shot the US Catholic Church has of remaining viable. And though the church has become increasingly conservative over the past two decades, when it comes to immigration its social justice ethos is still intact. Priests and congregations have been vocal in opposing Arizona's SB 1070, and central in providing safe havens and basic services to migrants. Even the Vatican's recently appointed conservative archbishop of Los Angeles, Mexican-born José Gómez, a member of Opus Dei, has stated that in "Catholic teaching, the right to migrate is among the most basic human rights. It's very close to the right to life. Why? Because God has created the good things of this world to be shared by all men and women—not just a privileged few."

3. It slows the inclusion of Latino evangelicals into the religious right. "Woe to the legislators of infamous laws, to those who issue tyrannical decrees, who refuse justice to the unfortunate and cheat the poor among my people of their rights.… What will you do on the day of punishment, when, from afar off, destruction comes? To whom will you run for help?" This bit of fire and brimstone from the Book of Isaiah was recently cited by the National Hispanic Christian Leadership Conference, the nation's largest Hispanic Christian organization, to condemn SB 1070.

The religious right is actively courting Latinos, who make up a small but growing percentage of evangelicals. But the poor, precarious situation of many congregations limits their inclusion in conservative politics. Like their Catholic counterparts, Protestant pastors spend much of their frontline ministry helping undocumented workers. After a recent meeting with Obama, Pentecostal pastor Samuel Rodriguez, who has been wooed by 2012 Republican hopefuls, said that the president's position is "99.9 percent" in line with evangelical doctrine. Likewise, Latino Mormons are demanding that leaders of the Mormon church take a stand against the Arizona law, even while many conservative white Mormons—like State Senator Russell Pearce, who sponsored SB 1070, and Utah Representative Stephen Sandstrom, who hopes to implement a similar law in Utah—are on the other side of the issue, insisting that church law demands enforcing immigration laws.

4. It is lose-lose for Republicans. Put immigration reform on the docket before the midterm elections and watch Republicans squirm. If they support it, they enrage their Tea Party base. If they oppose it, they keep the Tea Party and might win, even big, in November, but will so anger the more electorally important Latinos that not even Spanish-speaking Jeb Bush, with help from his Mexican-born wife, will be able to win them back. As Ruy Teixeira notes, the "GOP dilemma" is that the Tea Party might help Republicans win in November but that short-term gain will be a long-term loss, a death embrace with a rump political movement that "concentrates in one place the most extreme and reactionary views." By pushing immigration reform before the midterm elections, the Democrats would magnify this dilemma. Let South Carolina's GOP gubernatorial candidate Nikki Haley explain to Latino voters why she calls for stepped-up deportation, opposes amnesty and applauds SB 1070 in the name of "states' rights." Immigration reform could also short-circuit any attempt to restore the Bush dynasty through Jeb, who has spoken out against the Arizona law and in favor of reform.

5. It splits the conservative coalition in other ways. A fight over immigrants' rights drives a wedge between business Republicans and the GOP's "no-amnesty," know-nothing wing. Last year, the powerful National Association of Evangelicals issued a statement calling for comprehensive, dignified reform, which was strongly criticized by the conservative Institute on Religion and Democracy. And the "purity" of Ron and Rand Paul's libertarianism—as the mainstream media never cease to describe what is largely a rebranding of paleoconservatism—seems a lot less pure when they get started talking about "electronic fences," "helicopter stations" and "making English the official language of all documents and contracts." So much for the right to engage in economic transactions as one wishes.

6. It revitalizes the union movement. Latino immigrants have already helped turn Los Angeles, Las Vegas and other cities into union towns. They've often done so against great odds and with impressive courage, since many undocumented union workers are not fully covered by the National Labor Relations

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Act. Imagine what they could do if they were protected by labor law. Despite all the Republican talk about Latinos being natural conservatives, committed to family, religion and hard work, most reject the extreme economic individualism that is the bedrock of the GOP. They come from countries where democracy means social democracy, including workers' rights, welfare and economic justice.

7. It dilutes the power of Florida Cubans. Since the 1959 Cuban Revolution, Cuban exiles have had a toxic effect on US domestic and foreign policy. They have repeatedly helped deliver Florida's large number of electoral votes to Republicans and in 2000 served as the shock troops for the infamous "Brooks Brothers Riot," which shut down Dade County's recount of its disputed presidential ballot, a critical event that helped hand the election to Bush. Beyond forcing Washington to keep up its pointless embargo of Cuba—which handicaps US diplomacy in the rest of Latin America—they have backed a hardline foreign policy, supporting Ronald Reagan's patronage of death squads in Central America and last year's coup in Honduras. Their power is on the wane; in 2008 other Florida Latinos helped deliver the state to Obama, overriding the Miami Cuban-American vote, which went for McCain. But candidate Obama still felt compelled to genuflect before them, traveling to Miami to criticize Bush from the right for losing Latin America to leftist "demagogues." Legislating a way to citizenship for Latino immigrants would dampen Florida Cubans' ability to influence foreign policy, as well as change the terms of the debate: even Cuban-Americans are in favor of immigration reform.

8. It helps America's cities. I lived in Durham, North Carolina, for a few years, and for all the romance of Southern porch culture, it was mostly Latinos, nearly all of them undocumented laborers from Mexico and Central America, who were outside, facing the street, talking, listening to music, raising families. The city's more settled residents were inside with their air-conditioners and TVs. Throughout the United States, Latinos are re-energizing neighborhoods and populating downtowns, opening stores and pumping money into established small businesses. Not too long ago cities were rearguards of a progressive ethos in retreat. Today, with the help of Latinos, one of the fastest growing urban demographics, they are again vital hubs of social democracy. Google the words "Latinos," "cities" and "revitalize" and you will be led to any number of stories about how stressed city centers in Detroit, Dallas, Memphis, Newark and the Hudson Valley are being rescued by Latinos. No wonder the right hates them.

9. It is the morally right thing to do. And as a result, it is strategically smart. Progressives need not just wedge issues but driving righteousness, and the heart-rending plight of more than 10 million vulnerable residents who are denied basic human rights and hunted by random raids, their families split apart, is as morally urgent an issue as the civil rights movement was in its heyday. Considering the role Latinos would play in burying, once and for all, the Southern strategy, the issue needs to be understood as essential in finally achieving the promise of the original civil rights movement. With one eye on November's midterm elections and another on polls showing support for Arizona's SB 1070, many Democrats are reverting to hedging. It's a "toxic subject," says Democratic Governor Phil Bredesen of Tennessee. For all the reasons above—plus the fact that many Latinos might just wash their hands of the Democrats if betrayed—that temerity itself is toxic. And considering Democrats' perpetual minority status in Tennessee, if I were a Democrat there, I'd want as liberalized an immigration policy as possible. ■

Greenwashing Nativism

From climate change to deforestation, FAIR is pushing xenophobia as good eco-politics.

by ANDREW ROSS

To commemorate the fortieth anniversary of Earth Day in April, the Federation for American Immigration Reform (FAIR) updated and reissued its fifty-three-page report "The Environmentalist's Guide to a Sensible Immigration Policy." Fingering "immigration-related population growth" as the "principal cause" of urban sprawl, the report insisted that "so-called environmentalists pretend as if this connection does not exist." And what was FAIR's response to the land speculation, overdevelopment and three-car mentality that drive sprawl? As on nearly every issue, the solution, it said, was to cut immigration to the bone and put an end to the policy of family reunification.

FAIR is the nation's most influential anti-immigrant organization; its legal kingpin, Kris Kobach, drafted Arizona's chilling SB 1070 and is the go-to guy for states and counties looking to further criminalize the undocumented. But beyond cultivating hard-right legislators, FAIR and its satellite groups have been busy greenwashing the nativist movement for more than a decade, spinning environmental arguments to make the case for their version of population reduction. Virtually every progressive eco-cause—biodiversity, water conservation, deforestation, wilderness protection, even environmental justice—has been grist for their mill.

Most recently, the Center for Immigration Studies (CIS), a spinoff of FAIR, has focused on the damage done by the traffic of coyotes and their border-crossing clients to Organ Pipe Cactus National Monument, the Huachuca Mountains and Coronado

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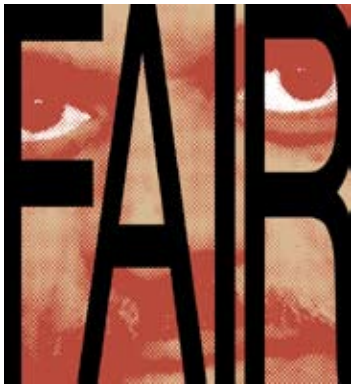
National Forest in southeastern Arizona. "How long will these beautiful lands remain unspoiled if the border is not secured?" a CIS press release asked. Meanwhile, the Sierra Club and Defenders of Wildlife have argued that most of the ecological mayhem in these areas is a result of the construction and maintenance of the border fence's "tactical infrastructure," which was exempted from all environmental and historic preservation laws by the Bush administration. But CIS is more interested in tapping a deep vein of public anxiety that connects the defense of pristine resources to the defense of racial purity. In a grotesque but telling offshoot, a number of humanitarian volunteers from Tucson-based No More Deaths, who leave plastic containers of water on migrant trails in the desert, have been arrested on charges of "littering." Meanwhile, the containers have been slashed repeatedly by Minutemen vigilantes and Border Patrol guards, who then leave the useless plastic on the desert floor.



TIM ROBINSON

The connection FAIR makes between immigration and sprawl is equally specious. Low-wage immigrants are much more likely to live lightly in central-city neighborhoods than the US-born population, who are more likely to settle in suburban subdivisions with high-carbon footprints. Nor is there any necessary correlation between population size or density and abuse of resources. How we produce and consume energy is a much more important determinant of pollution than our numbers. But FAIR's shady reasoning is typical of the way it has pushed xenophobia as green wisdom in order to win mainstream acceptance and divide its critics.

Population stabilization has been taboo for progressive greens since the late 1970s. But anti-immigrationists like FAIR founder John Tanton, a former Sierra Club activist, cut their teeth on the overpopulation anxiety that permeated the environmental movement earlier in that decade. Subsequently, they used the Malthusian lingo of resource scarcity, carrying capacity (the maximum population an environment can sustain indefinitely) and overshoot (when a population exceeds its carrying capacity) to launder the image of the white nationalists with whom they became allies. When climate change became a public issue, it gave fresh impetus to what population specialist Betsy Hartmann has called the "greening of hate." CIS and other FAIR spinoffs like NumbersUSA and Population-Environment Balance, along with the sympathetic Carrying Capacity Network, have all touted immigration as the chief reason for the rise in greenhouse gas emissions—as low-carbon immigrants adopted the high-carbon lifestyles of the rich countries to which they had moved.

This kind of reasoning has gotten a surprisingly good hearing from prominent ecologists. The advisory board of the Carrying Capacity Network boasts the names of Herman Daly (theorist of the steady-state economy), William Rees (pioneer of the ecological footprint) and Thomas Lovejoy (who introduced the concept of biological diversity), while Robert Costanza (a founder of the field of ecological economics) served on the board during the 1990s. Other heavyweights like James Lovelock, David Attenborough, Paul Ehrlich and Jane Goodall have greased the wheels of the resurgent population-control bandwagon through their patronage of the Optimum Population Trust, a British organization that rehabs eugenics for the era of climate change. It holds that drastic population reduction is the most efficient way of averting global warming, and among its programs is a carbon-offset project for the affluent in the global North to subsidize "family planning" in poor countries.

In 2008 CIS jumped into the carbon calculation game with its estimate that the average immigrant emits four times more CO_2 in the United States than he or she did in the home country. This factoid, like others trotted out in FAIR's greenwashing, was clearly aimed at influencing left-leaning minds, but per capita figures of this kind tell us nothing about the source of national carbon outputs. As Ian Angus and Simon Butler observed recently (in *Monthly Review*), "most emissions are caused by industrial and other processes over which individuals have no control."

Unfortunately, CIS's pseudoscience is a harbinger of things to come in the fickle world of climate politics. In retrospect, Arizona's bitter fight over immigration may be the first real skirmish in what the security state will see as "climate wars." The threat of global warming will increasingly be used to shape immigration policies around a vision of affluent nations or regions as heavily fortified resource islands. Is this mentality already at work? Internationally, the ugly side of the debate about emissions has centered on who has the right to go on polluting and which portions of the world's population will be sacrificed. Even as cities in affluent countries compete with one another in the sustainability rankings, the same kinds of triage calculations are being made locally, and as resources tighten, the most vulnerable citizens and migrants are cut loose.

The ongoing rollout of fiscal austerity by local governments across the country offers many examples of triage, but the actions of Arizona's legislature merit special attention. The greater-Phoenix area is the bull's-eye of global warming in the Northern Hemisphere, and because the area is in a semiarid state that is always on the lookout for its next bucket of water, the Malthusian belief that there simply isn't enough (of everything) to go around is never far from the surface. As one of the fastest-growing American cities for several decades, Phoenix has seen more than its share of residential anxieties about the impact of population growth. But the tenor of these fears shifted when the growth rate of Latinos, with or without papers, began to outpace the volume of white-flight retirees (or "amenity migrants") from the Midwest and California. Population pressure was now coming from the wrong kind of people, and it was threatening Anglo numerical superiority. If SB 1070 enacted the FAIR policy known as "attrition through enforcement," the state's budget cuts have shredded the services that nativists claim are being gamed by immigrants, old and new. No one can accuse Arizona's lawmakers of "wasting the recession."

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Is there an alternative to a future of racially fueled climate conflicts? At the World People's Conference on Climate Change at Cochabamba in April, the subject of environmental migration—how global warming affects migration (but not vice versa)—was high on the agenda. An estimated 50 million people have already been displaced by the impact of climate change, and the numbers will escalate in years to come. In northern Mexico, a primary source of migrants to Arizona, soil is eroding rapidly from the decline in precipitation, and studies predict that regional rainfall could decrease by 70 percent by the century's end. Are the emissions pumped into the desert air above central Arizona's sprawl already responsible, however indirectly, for some portion of the 500,000 undocumented migrants in the state?

If so, the evolving principles of climate justice point to a very different conclusion than the war on immigrants urged by FAIR. At the very least, those displaced by climate change have a right to sanctuary if their path of flight takes them northward. Sanctuary is the most minimal of the debts incurred, but other forms of recompense may be appropriate. Since these migrants are victims of the high-carbon policies enjoyed by industrialized nations, they may also be entitled to reparations. Either way, climate migrants will have their own carbon-conscious version of the retort offered by postcolonials when they settled in cities like London and Paris: "We are here because you were there."

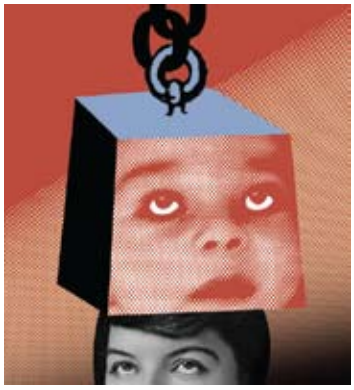
Cochabamba ended with a call for international recognition of the rights of climate migrants. The risk of pursuing this path is that official identification may create yet another class of immigrant to be held in the limbo of refugee camps and detention centers, or lost in the maze of temporary visa categories. Besides, how easy is it to distinguish between border-crossers displaced by neoliberal trade policies and those set in motion by climate change? As long as the former are treated like invaders and felons, is it likely (or even just) that the latter would earn a special status? These are tough questions, even for movement people, but they are not going away. FAIR's shadiness aside, there are real connections between clean energy policy and immigration reform—the two bullets Congress is trying its best to dodge. But they will be made only if we swear off single-issue politics and push for decriminalization and decarbonization at one and the same time. ■

Baby Baiting

The anti-immigrant right declares war on the Constitution's promise of birthright citizenship.

by ROBIN TEMPLETON

Arizona State Senator Russell Pearce, the father of SB 1070, has a new target in his cross hairs: "anchor babies," the ugly epithet used to label children born of undocumented immigrants. The senator's newest legislative provocation would allow Arizona "to refuse to accept or issue a birth certificate that recognizes citizenship to those born to illegal aliens, unless one parent is a citizen," as he recently explained to his supporters. Crudely labeled "anchor baby bills" by the media, similar efforts are brewing in California, Oklahoma, Texas, Utah and Congress.



TIM ROBINSON

An e-mail widely circulated by Pearce explains the logic behind the strategy: "If we are going to have an effect on the anchor baby racket, we need to target the mother. Call it sexist, but that's the way nature made it. Men don't drop anchor babies, illegal alien mothers do." This statement—which Pearce has publicly defended—comes from a man named Al Garza, identified by the Southern Poverty Law Center as a former top official in the Minutemen Civil Defense Corps and founder of the Patriots Coalition, whose website includes jokes about assassinating President Obama.

Pearce and his ilk are capitalizing on a concept with old nativist roots that is lending new potency to the assault on Latino immigrants. Fueled by bogus conspiratorial depictions of newborns delivered moments after their parents cross the border; "emergency alien deliveries" overrunning US hospitals and endangering American lives; and undocumented mothers having children in order to collect public benefits on taxpayers' backs, the anti-immigrant right is demonizing babies as the weapon of choice for armies of "illegals."

"It's invasion by birth canal," the leader of a California anti-immigrant ballot initiative told the *Los Angeles Times*. The head of an anti-immigrant group in Virginia called for an investigation into "whether or not illegal aliens have a preferred breeding season." According to Texas Republican Representative Ron Paul, "awarding automatic citizenship to children born here minutes after their mothers illegally cross the border" is "a matter of national security."

The "invading army" rhetoric is not accidental. The "citizenship clause," Section One of the Fourteenth Amendment, states clearly that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States." There are two exceptions: children of foreign diplomats and the children of invading armies. The latter lends itself perfectly to the kinds of xenophobic sound

Robin Templeton, a writer based in Brooklyn, New York, is a PhD candidate in the CUNY Graduate Center's department of sociology.

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bites that whip up support for anti-immigrant laws.

Federal legislation aimed at denying citizenship to "anchor babies" dates back to 1995, when California Republican Representative Brian Bilbray invited members of Congress to visit San Diego hospitals and see for themselves "what we see in the parking lot": undocumented mothers waiting "to dilate, just so she can deliver her baby in a US hospital." That year, Bilbray garnered fifty-one co-sponsors for his Citizenship Reform Act, which would have denied "automatic citizenship at birth to children born in the United States to parents who are not citizens or permanent resident aliens." In 2009 Republican Representative Nathan Deal of Georgia scored ninety-two co-sponsors for his nearly identical Birthright Citizenship Act. "People thought it was on the fringe," Bilbray boasted in 2007, recalling his early efforts to outlaw birthright citizenship. "Now it's mainstream."

In Congressional testimony in 2008, James Edwards of the conservative Hudson Institute summarized the widely held misconceptions underlying the "anchor baby" myth. "The policy of granting automatic US citizenship to the 'anchor baby' effectively foils the parent's deportation, qualifies the illegal parent to derive benefits accorded to the newborn based on his or her citizenship, and allows that illegal alien to begin his own chain of relatives," he warned, calling on Congress to end the incentives immigrants have "for birthing their offspring in the United States."

Far from 'anchoring' their parents to US soil, many children born to undocumented immigrants are seeing them be deported.

Like the slur "anchor baby" itself, each of these claims is a fallacy. Far from "anchoring" their parents to US soil, many children born to undocumented immigrants are seeing them be deported. And for all the rhetoric spewed by the right about the need for tough new legislation to combat the immigrant "invasion," laws governing immigration to the United States have gotten more restrictive in the past fifteen years.

Today, a citizen must be 21 in order to sponsor the green card application of a parent or an immediate relative. The applicant must then show documentation proving that he or she has not been in the United States unlawfully for more than one year. Barring such proof—the primary obstacle most immigrants face—the parent must return to the country of origin for ten years before being allowed to lawfully re-enter the United States and resume the application process. This is commonly referred to as the "touchback rule," explains María Blanco, director of the Earl Warren Institute at the UC, Berkeley, School of Law, and it is among the most insurmountable restrictions placed on the legal naturalization process in the name of "immigration reform" passed in 1996.

"The new laws effectively sentence people to a ten-year separation from their families if they try to go through the application process," says Blanco. "When you read the statistics about how the undocumented population has increased, you have to realize how much of that is the direct result of blocking people from gaining legal status who, before, legitimately could."

Immigration reform also curtailed due process and blunted judicial discretion in criminal cases involving immigrant defendants, greasing the wheels of deportation proceedings. Many nonviolent misdemeanors were reclassified as aggravated felonies for this purpose. The result? According to a 2010 report by Berkeley and UC, Davis, 88,000 immigrants who were legal permanent residents and parents of children with citizenship were deported between 1997 and 2007, the majority for misdemeanors. In many cases, children have no choice but to go with their parents, which means that "we are de facto deporting American citizens," points out New York Democratic Representative José Serrano. To restore some judicial discretion in deportation proceedings involving parents, Serrano is sponsoring the Child Citizenship Protection Act, a measure crafted by the New York–based Families for Freedom, an organization led by immigrant mothers fighting detention and deportation to keep their families intact. In June, the Supreme Court ruled unanimously to ease the rules mandating automatic deportation for legal permanent residents convicted on minor drug charges.

The notion that "anchor babies" are a means of reaping government benefits for undocumented parents can also be easily debunked. Federal welfare reform passed in 1996 disqualified most immigrants, including most legal permanent residents, from receiving almost all forms of public assistance and imposed a five-year waiting period on applications for assistance on all future immigrants. Researchers estimate that these new restrictions accounted for more than half of the vaunted savings during the first year of welfare reform. At the state level, claims like Pearce's, that immigrants are flocking to Arizona to have children and "gain access to the great welfare state we've created," are particularly absurd. According to a study by the Annie E. Casey Foundation's Kids Count project, Arizona ranks fortieth in the nation in overall child well-being and forty-sixth in high school dropout rates. "If someone was looking for a great place to go to raise a kid, Arizona wouldn't be one of them," says Laura Beaver, national coordinator of the study. In fact, it's easier to make the case that immigrant families are advancing the welfare of Arizona: children in immigrant families in the state are more likely to live with two parents and to have a father in the home who is working full time, year round, than children in nonimmigrant families.

The hysteria over "anchor babies" has made hospitals useful symbols for the fearmongering right, which warns that undocumented immigrants are endangering the healthcare system. New York's Suffolk County Executive Steve Levy, who once claimed that pregnant immigrants forced Southampton Hospital's maternity ward to close, puts it this way: "You don't want to be inhumane and turn away someone who's bleeding, but the healthcare system might implode." In fact, Silvia Henriquez, executive director of the National Latina Institute for Reproductive Health, says the opposite is true. "Given the limited access that immigrant families already have to healthcare, this xenophobic climate toward immigrants

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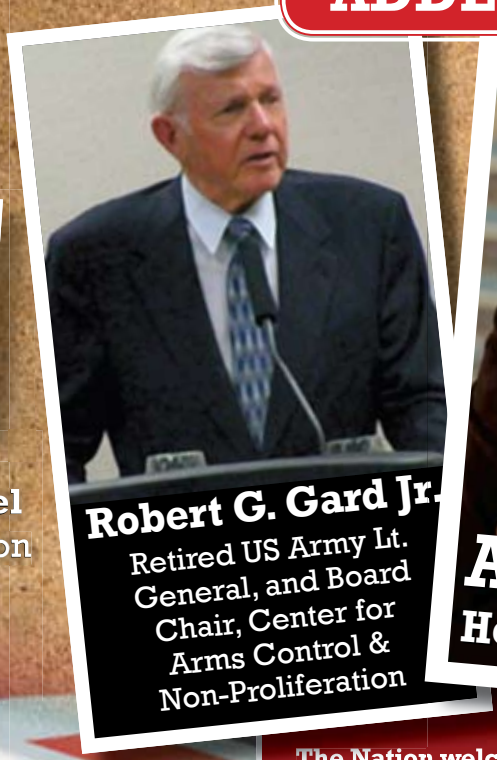

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makes women afraid to seek prenatal and pediatric care."

The climate Henriquez describes became even more chilling in July, when anonymous Utah residents calling themselves Concerned Citizens of the United States sent a list of 1,300 names labeled "Illegal Aliens" to state law enforcement, the governor's office and local media, calling for the immediate deportation of all the people on it. The list included not only personal and work addresses and Social Security numbers but also the names of pregnant women along with their scheduled delivery dates. Utah officials say the private information was unlawfully released by two employees of the Utah Department of Workforce Services, one of whom has been fired. A criminal investigation by the state attorney general is under way. "Clearly, it's not even meant as a blacklist," says Utah Attorney General Mark Shurtleff. "It's more like a hit list."

"Anchor baby bills" may be getting disturbing traction in an era when even the president is being called upon to show his papers. But that doesn't mean they will necessarily have long-term legal success. Citizenship by place of birth, jus soli, is a centuries-old tradition in English and American common law and jurisprudence, dating back to the Declaration of Independence. The Supreme Court's Dred Scott decision in 1857 temporarily interrupted the tradition, ruling that African-Americans were not and could not ever become citizens and "had no rights which the white man was bound to respect." A short decade later, slavery was abolished and the Fourteenth Amendment was written with the clear intent of granting citizenship on the basis of "the objective measure of US birth rather than subjective political or public opinion," explains Elizabeth Wydra, chief counsel at the Constitutional Accountability Center. With recent polls finding that 58 percent of all likely US voters—and 64 percent in Arizona—think a child "born to an illegal immigrant in this country should not automatically become a citizen," Wydra notes that "the current, inflammatory invocation of 'anchor babies' by opponents of birthright citizenship confirms the good judgment of the framers of the Fourteenth Amendment in placing the question of citizenship beyond the 'consent' of the majority."

Even Steve Levy, who continues to warn that undocumented workers are putting the health of Americans at risk, acknowledges that efforts to deny birth certificates to children of undocumented immigrants are not likely to work. "Every hospital takes the view that the Constitution says you have to give a birth certificate to every child born there. I don't think these laws are going to stand up in court," he says. "But you can understand where these states are coming from—the problem is so at the local level that they're willing to try anything."

Ira Glasser, head of the ACLU from 1978 until his retirement in 2001, explains that this rogue "try anything" approach serves a strategic purpose. "The right wing loves to run against the federal courts. What they're doing isn't really about legislation or litigation but part of a larger political and public relations strategy—each failure becomes another opportunity to build their movement."

This is why Texas Solicitor General James Ho concluded his analysis of the anti-immigrant challenges to birthright citizenship by advising, "Stay tuned: Dred Scott II could be coming soon to a federal court near you." ■

WikiLeaks in Baghdad

Soldiers involved in the "Collateral Murder" video have come forward to tell their story.

by SARAH LAZARE AND RYAN HARVEY

One by one, soldiers just arriving in Baghdad were taken into a room and questioned by their commanding officers. "All questions led up to the big question," explains former Army Spc. Josh Stieber. "If someone were to pull out a weapon in a marketplace full of unarmed civilians, would you open fire on that person, even if you knew you would hurt a lot of innocent people in the process?"

It was a trick question. "Not only did you have to say yes, but you had to say yes without hesitating," explains Stieber. "In refusing to go along with the crowd, it was not irregular for somebody to get beat up," he adds. "They'll take you in a room, close the door and knock you around if they didn't like your answer," says former Army Spc. Ray Corcoles, who deployed with Stieber.

According to these former soldiers, this was a typical moment of training for Bravo Company 2-16 (2nd Battalion, 16th Infantry Regiment), the ground unit involved in the infamous "Collateral Murder" video, which captured global headlines when it was released in April by WikiLeaks, the online clearinghouse for anonymous leaks. (In late July WikiLeaks dropped another bombshell with its release of more than 90,000 secret US military documents from the war in Afghanistan, including detailed reports on Pakistani collusion with the insurgents—who have successfully used heat-seeking missiles against allied forces—US assassination teams, widespread civilian casualties from US attacks and staggering Afghan government incompetence and corruption.)

The graphic video from Baghdad shows a July 2007 attack in which US forces, firing from helicopter gunships, wounded two children and killed more than a dozen Iraqis, including two Reuters employees and the father of those children. The video quickly became an international symbol of the brutality and callousness of the US military in Iraq. What the world did not see is

Sarah Lazare is a writer and organizer with the Civilian-Soldier Alliance (civsol.org) and Courage to Resist (couragetoresist.org). Ryan Harvey (voiceshakes.wordpress.com) is a writer, an organizer with the Civilian-Soldier Alliance and a member of the Riot-Folk musician collective.

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the months of training that led up to the incident, in which soldiers were taught to respond to threats with a barrage of fire—a "wall of steel," in Army parlance—even if it put civilians at risk.

Now three former soldiers from this unit have come forward to make the case that the incident is not a matter of a few bad-apple soldiers but rather just one example of US military protocol in the occupations of Iraq and Afghanistan, where excessive acts of violence often stem from the chain of command. This comes at a time when the top brass in Afghanistan are speaking openly of relaxing the rules of engagement. After Gen. Stanley McChrystal's recent ouster for publicly criticizing the Obama administration, his successor, Gen. David Petraeus, has asserted that military protocol in Afghanistan should be adjusted because of "concerns" about "the application of our rules of engagement," a move that critics fear will cause civilian deaths to skyrocket.

The story that Stieber, Corcoles and former Army Spc. Ethan McCord tell provides crucial background for the incident that WikiLeaks made famous. Bravo Company 2-16 deployed to Iraq in February 2007 during the "surge" ordered by George W. Bush. Their spring arrival in New Baghdad, a dangerous neighborhood in eastern Baghdad bordering Sadr City, coincided with the start of the deadliest three-month period for US forces during the Iraq War.

"I had the idea that I was going over there to help the Iraqi people—you know, freedom and democracy," says McCord, an expectation that Stieber and Corcoles say they shared. They learned quickly that the reality was very different. All three of these former soldiers describe a general policy of, in McCord's words, trying to "out-terrorize the terrorists" in order to establish power in a neighborhood that clearly did not want US troops there. The next months would be spent raiding houses, responding to sniper fire and IEDs, and, as Corcoles says, "driving around just waiting to get shot at." All of them would witness the abuse, displacement and killing of Iraqi civilians.

When Bravo Company 2-16 arrived in New Baghdad to establish its Combat Outpost (COP) in an old factory, hundreds of angry residents gathered in protest. In grainy video footage brought back by McCord, residents can be seen converging around the soldiers and chanting, and McCord is seen standing in front of the crowd with his weapon drawn. Corcoles, behind the camera, was guarding the gate of the new post. "The first sergeant told me to shoot anyone who tried to rush the soldiers outside the gate," he says. Some Iraqis were then dragged inside, beaten and questioned. When the crowds dispersed, construction crews came in to begin building a wall around the new post. To clear the area, the military forced people to leave. "We were kicking people out of their homes," says McCord. "People who didn't want to move, we would basically force them to move…pretty much making them leave at gunpoint."

From then on the violence escalated. Corcoles describes the first IED death his unit suffered. "We did a mission that night till like midnight, and we were actually just sitting down.… I hadn't even got three or four drags off my cigarette and an IED went off.… We watched the Humvee burn, but we didn't realize [someone] was still in it."

The IED attacks left the soldiers angry and scared. McCord recalls one mission to impose curfews. Earlier that day, a popular soldier had died in an IED attack, and the troops took it out on the Iraqis. "There were a lot of people who got beat up that night," he says bluntly. This anger was turned into policy by the chain of command. "We had just lost three guys to an IED when the battalion commander came out to the COP," says McCord. He went on to explain that the commander gave orders to shoot indiscriminately after IED attacks. "He said, 'Fuck it, this is what I want…anytime someone in your line gets hit by an IED…you kill every motherfucker in the street,'" McCord testifies.

"When one [IED] went off, you were supposed to open fire on anybody," says Stieber. "At first I would just fire into a field. Then I wouldn't fire at all." He describes an IED that went off near a crowd of teenagers. "I said I wouldn't fire," even though "other people were firing," he recalls. Like Stieber, Corcoles describes incidents in which he purposely aimed his gun away from people. "You don't even know if somebody's shooting at you," he says. "It's just insanity to just start shooting people." Stieber pointed out that in incidents like these, it was very rare for US military vehicles to stop to help the wounded or assess how many people had been injured or killed.

Stieber was intimidated and reprimanded by his command for refusing orders to shoot. "One time when I didn't fire, people in my truck were yelling at me for the rest of the mission. When we got back, one or two leaders got up in my face and kept yelling at me and stuff," he says. The command eventually stopped sending him on missions as a gunner, and Stieber says he "faced a lot of criticism for it." Corcoles saw this too. "One night our truck got hit by an IED and Josh didn't fire, and another soldier didn't fire," he says. "And they were getting yelled at: 'Why aren't you firing?' And they said, 'There's nobody to fire at.'"

Corcoles recalls another "wall of steel" incident: "Our first sergeant was with us, and after we got hit by an IED, people started shooting everywhere, and they were also actually shooting at him." He explains that his sergeant happened to be within range of indiscriminate fire coming from US soldiers. After almost getting shot by the soldiers, "our first sergeant told us not to do this anymore," says Corcoles.

Excessive acts of violence were woven into daily missions, house searches and prisoner detention, says McCord. "This one time, in the summer of 2007, we were in a barbershop and my platoon leader was asking the barbershop owner about the local militia," he says. "The interpreter kept saying the owner didn't know anything. The platoon leader said, 'He is fucking lying,'" says McCord, explaining that it was always assumed that Iraqis who said they didn't know anything were lying. "I remember my platoon leader punching him in the face. When [the barbershop owner] went to ground, he was kicked by others in the platoon. Many other Iraqis were in there to get their hair cut. They were up against the wall watching him get kicked."

McCord says that when others in his unit saw this kind of behavior condoned by the leadership, they followed suit. He describes multiple instances in which soldiers abused detainees or beat people up in their houses. In one case, he says, someone was taken from his house, beaten up and then left on the side of the road, bloodied and still handcuffed.

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In this setting, the "Collateral Murder" incident does not stand out as a drastic departure from the norm. That morning, Corcoles and McCord prepared for a "Ranger dominance" mission, "a clearing mission to basically go through every house, top to bottom, from one end of town to the next," says Corcoles. Stieber, who had been pulled off these missions because of his refusal to fire at crowds, was not with them this time. For the rest of the unit, what started as another day of house searches became a four-hour battle with militia members, say Corcoles and McCord. McCord was searching houses near Corcoles when he heard two Apache helicopters open fire nearby. He knew these helicopters were assigned to guard forces on the ground, so he knew something serious was occurring. "I heard over the net that we needed to move to that position," he recalls. He ran four or five blocks to the scene. "I was one of the first six dismounted soldiers to arrive there."

"It seemed unreal," says McCord, who describes running up and "seeing the carnage of what used to be human beings on the corner." A passenger van sat nearby, pocked with bullet holes and littered with bodies. Corcoles arrived on the scene shortly after McCord, who soon discovered two critically wounded children in the van and was able to pull them to safety. These moments would later be broadcast around the world in harrowing detail. McCord is seen in the video rushing wounded children away from the van. Photos that McCord took at the scene show mangled corpses lying in the road and one of the children, crouched in the front seat of the van next to a dead body.

'From our own experiences…we know that the acts depicted in this video are everyday occurrences.' —open letter to Iraqis from US vets

Immediately following the incident, McCord was threatened and mocked by his commanding officer for pulling the children from the van. He says his platoon leader "yelled at me that I need to quit worrying about these 'motherfucking kids' and pull security." McCord later approached a staff sergeant and told him he needed mental healthcare after the incident. "He told me to stop being a pussy…to get the sand out of my vagina," he says. "I was told there would be repercussions." Fearing punishment, McCord did not ask again.

After conducting an internal investigation, the military cleared the unit of any wrongdoing. An "Investigation into Civilian Casualties Resulting from an Engagement on 12 July 2007 in the New Baghdad District of Baghdad, Iraq" found that "the proceedings comply with legal requirements" and "contain no material errors or violate any individual's substantial rights." The US Central Command refused several requests for an interview. And now Army intelligence analyst Bradley Manning, who is accused of leaking the video to WikiLeaks, is facing heavy charges punishable under the Espionage Act. The 22-year-old was transferred to Kuwait for a military trial that could lock him away in prison for decades.

In the months following the July 12 events, violence in the eastern Baghdad neighborhood subsided as the political winds shifted. After Shiite leader Muqtada al-Sadr declared a cease-fire and the United States moved toward a strategy of alliance with the Sunni Awakening Councils and some Shiite militia members, the soldiers began working with the very people they had once been told to fight, Stieber explains. "Things were pretty calm for most of the rest of the time, until like the last couple weeks that we were there," he says. As the troops finished their tour, some factions broke with Sadr's cease-fire and resumed fighting, and Bravo Company 2-16's COP was burned to the ground. "All hell broke loose," says Stieber. "The quick surge in violence at the end of our tour, when peace treaties were broken…show[s] that any progress that was made was [made] through negotiation as opposed to brute force." He says he found it contradictory that soldiers would end up legitimizing the people they had once fought.

McCord would return home early, suffering long-term injury from IED attacks that left him with a shattered lower spine and traumatic brain injury (TBI). He says the military at first tried to deny him treatment but eventually agreed to grant him back surgery after civilian tests showed serious injury. Despite TBI and severe post-traumatic stress disorder (PTSD), McCord says the military refused to grant him a medical discharge and instead discharged him with a pre-existing personality disorder, a distinction that precludes him from receiving disability benefits from the military [see Joshua Kors, "Disposable Soldiers," April 26].

The three soldiers returned to the United States disillusioned with the war they had once volunteered to fight. "From my experiences in Iraq, we shouldn't even be in these countries fighting wars. This is a war of aggression, of occupation. There is nothing justifiable to me about this war," says McCord. "And this isn't someone sitting back saying 'I think' or 'I believe.' This is from someone who was there."

Three years after their deployment to Iraq, these former soldiers were forced to confront that war when the WikiLeaks video was thrust into the limelight. They watched as the familiar scene became a media sensation, making international headlines and raising the ire and disgust of people around the world.

By this point, Stieber, now 22, had become an outspoken peace activist. When he heard about the video, he was in the midst of planning a speaking tour with a man from Iraq with the goal of "showing that we have more in common with the people we're told are our enemies than those telling us who our enemies are," he says. After WikiLeaks posted the video, Stieber e-mailed several people from his former unit explaining that he was going to speak out about the incident. McCord, now 34 and raising two children, and Corcoles, 35 and raising a child, have both decided to join Stieber's effort.

The three have decided to go public to let the world know the context behind the acts caught on film. "If people don't like that video, then the entire system needs to be re-examined, and I think it illustrates why we shouldn't put soldiers in that

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situation," insists Stieber. Corcoles, now suffering from severe PTSD, says he wants the public to understand that "war kills civilians first." He says, "I think Americans…need to take responsibility. If you pay taxes, you pay for that soldier's wage. You're just as guilty as the soldier pulling the trigger."

"What was shown in the Wikileaks video only begins to depict the suffering we have created," reads an open letter from McCord and Stieber to the Iraqis who were injured or lost loved ones in the July 2007 attack. "From our own experiences, and the experiences of other veterans we have talked to, we know that the acts depicted in this video are everyday occurrences of this war: this is the nature of how U.S.-led wars are carried out in this region."

Of course, these three are not the first soldiers to break the silence about the rules of engagement in the ongoing wars in Iraq and Afghanistan. At the March 2008 Winter Soldier hearings in Maryland, more than fifty veterans and active-duty service members publicly testified about the orders they were told to carry out in these countries, sharing stories of excessive violence, as well as of abusive and threatening treatment they endured from their superiors [see Laila Al-Arian, "Winter Soldiers Speak," April 7, 2008; and Chris Hedges and Laila Al-Arian, "The Other War," July 30/August 6, 2007].

The three former soldiers say they support the decision to leak these videos to the public. "Avoiding talking about what's going on is going to make us continue making the same mistakes and not learning our lesson," insists Stieber. About the most recent WikiLeaks revelations, Stieber says, "People all over the world have been confronted once again with the realities of the wars in Iraq and Afghanistan," adding that the latest release "confirms what veterans like Ethan, Ray and I, and so many other veteran witnesses, have been talking about."

But the occupations drag on, with President Obama continuing a Bush-era plan that will leave 50,000 "noncombat" troops in Iraq until at least the end of 2011. And top military brass have suggested that the August 31 deadline for withdrawal of "combat" troops may be extended. Meanwhile, Obama is sending 30,000 more troops to Afghanistan, bringing the total force there to more than 100,000, in what is now the longest war in US history. June was the deadliest month for NATO forces in Afghanistan, with 102 deaths, and as of press time July had become the second deadliest, with seventy-eight deaths.

All three soldiers say they hope Americans will learn the right lessons from the WikiLeaks video. "We acknowledge our part in the deaths and injuries of your loved ones as we tell Americans what we were trained to do and what we carried out in the name of 'god and country,'" write McCord and Stieber in their open letter. "The soldier in the video said that your husband shouldn't have brought your children to battle, but we are acknowledging our responsibility for bringing the battle to your neighborhood, and to your family. We did unto you what we would not want done to us."

"Our heavy hearts still hold hope that we can restore inside our country the acknowledgment of your humanity, that we were taught to deny." ■

Change Comes to Nixonland

by JON WIENER

July 17 marked the twentieth anniversary of the opening of the Nixon Library in Yorba Linda, California, and the Nixon Foundation celebrated the occasion with what it called "the largest gathering of Nixon family, Nixon Administration alumni, campaign workers, Nixon Foundation members, fans and friends since the grand opening of the Richard Nixon Library and Birthplace." The schedule promised "three days of incredible experiences," including "a reception and dinner poolside at the Western White House in San Clemente," "an outdoor BBQ around the farmhouse where RN was born" and "a delightful breakfast cruise on John Wayne's The Wild Goose." Also: a panel discussing "How Will Richard Nixon Be Remembered."

A 1974 HERBLOCK CARTOON, COPYRIGHT BY THE HERB BLOCK FOUNDATION

One thing was missing from the reunion: a visit to the library's new Watergate exhibit, which was supposed to have opened July 1—but didn't.

I asked Timothy Naftali what happened. He had been named library director when the National Archives took over management in 2007. Before that, the library had been run privately by the Nixon Foundation as the only presidential library outside the National Archives system. Naftali, previously a prominent University of Virginia historian and author of *Blind Spot: The Secret History of American Counterterrorism*, had made the design of a new Watergate exhibit one of his top priorities. He told me the delay was caused by the Nixon Foundation.

The 2005 agreement with the National Archives gave the foundation the opportunity to "consult" on the new Watergate exhibit—although not to change it. When Naftali submitted his proposal in April, the foundation requested an extended period for its response, which meant the exhibit would not be open when the foundation held its celebration.

Obviously, the Nixon Library has to have an exhibit on Watergate; the question is what it will say. At this point, Naftali

Jon Wiener, a Nation *contributing editor, teaches history at the University of California, Irvine.*

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said in an interview, the decision is in the hands of the archivist of the United States, David Ferriero. An Obama appointee, Ferrio is the first actual librarian to head the Archives (he had previously headed the New York Public Library).

The original Watergate exhibit, which opened in 1990 to widespread criticism, was removed with the agreement of the foundation in 2007 in anticipation of the National Archives taking over. Naftali explained that "the Presidential Recordings and Materials Preservation Act of 1974, amended in 2004, stipulates that the archivist is responsible for the complete truth about governmental abuse of power in the Watergate affair. This is mandated by Congress. We can't be a party to something that misleads the public about presidential abuses of power."

The original exhibit claimed to give visitors a chance to listen to the "smoking gun" tape of June 23, 1972, in which listeners can hear Nixon conspiring to get the CIA to stop the FBI from investigating the break-in. Release of that tape in August 1974 led to the collapse of GOP support for Nixon in Congress, with Republicans on the House Judiciary Committee announcing they would vote for impeachment. But at the listening station you heard a long commentary by a narrator about how the story had been exploited; somehow you never seemed to get to the smoking-gun part.

The key argument in the old exhibit was that a third-rate burglary had been exploited by the president's enemies in the press and Congress; that the country overreacted to the smoking-gun tape; and that Nixon wasn't really involved in the cover-up, because he was dealing with bigger things in foreign and domestic policy and with his re-election campaign.

The Nixon Library might actually portray Watergate accurately—as a broad abuse of power that precipitated a major constitutional crisis.

In conversations over the past three years, Naftali has expressed the hope that when the new exhibit finally goes up, it will show that Watergate was part of a broad abuse of power that precipitated a major constitutional crisis involving the presidency, the Congress and the Supreme Court. The old exhibit began with the Watergate break-in. The new exhibit, Naftali told me, should begin with the Pentagon Papers, the secret history of the Vietnam War given by Daniel Ellsberg to the *New York Times* in 1971—which aroused Nixon's fears about secrets being leaked. The old exhibit ended with Nixon departing the White House in a helicopter after resigning. The new exhibit, Naftali says, ought to end with the pardon of Nixon by Gerald Ford.

The new exhibit, Naftali says, should include developments preceding the break-in at the Watergate: Nixon's "enemies list," his use of the IRS against some of those "enemies," the creation of the "plumbers unit" to stop White House leaks, the break-in at Ellsberg's psychiatrist's office. Other new sections would include the evolution and unraveling of the cover-up and the July 1974 Supreme Court decision *United States v. Nixon*, in which the Court ruled unanimously that Nixon could not withhold the White House tapes from the special prosecutor under a claim of executive privilege.

The proposed new exhibit includes video screens that will display documents, TV news from the period and clips from among 125 interviews Naftali has conducted as part of an extensive oral history project. He has long hoped that his interviews touching on Watergate would become part of the new exhibit. They include Nixon White House counsel John Dean; chief "plumber" and organizer of the Watergate break-in G. Gordon Liddy; Bob Dole and Dick Cheney; and Supreme Court Justice Stephen Breyer, who had been on the Watergate prosecution team, each telling the story from his own perspective.

When the Nixon Foundation people arrived at the library in mid-July for their reunion, the old Watergate gallery was officially under construction, but they did see three exhibits that had been installed: a big display about the White House taping system, listening stations with the smoking-gun tape and a panel about the *United States v. Nixon* decision (which is now part of California's high school curriculum, as required by the state's history standards).

The political heart of the reunion was the "How Will Richard Nixon Be Remembered" panel. In it, moderator Ron Walker, who had been the top advance man for the Nixon White House and is now president of the Nixon Foundation, said, "We all know there was Watergate." But, he added, "there was so much more." Surprisingly, the emphasis here was on the liberal side of Nixon's record. His trip to China came first—"in a thousand years, they will still be saying Nixon went to China," Walker said. On the panel Fred Malek, who had been deputy director of Nixon's Office of Management and Budget, talked about Nixon signing the National Environmental Protection Act, the Clean Air Act and the Clean Water Act; others talked about Nixon having signed legislation creating the Occupational Safety and Health Administration and the Consumer Product Safety Commission, and about his role in what Walker called "the peaceful desegregation of Southern schools, which Nixon gets very little credit for." Nixon, the panel emphasized, did all this when the Democrats held a majority in the House and Senate, and it was "truly a bipartisan effort," so different from Washington today.

Larry Higby, who had been an assistant to H.R. Haldeman (Nixon's chief of staff and a key Watergate cover-up conspirator), said that Nixon not only ended the war in Vietnam but that his Strategic Arms Limitation Talks with the Soviet Union were "the first successful attempt to limit nuclear warheads," which marked "a complete change in how the US and the USSR viewed each other."

Even more surprising, the panel emphasized Nixon's pioneering role in bringing women into high positions in Washington. Nixon staff assistant Barbara Franklin, who had led a task force on recruiting women in government, said "there was a bra-burning movement at the time" but that it was Nixon who "brought equality for women into the mainstream of American life." Under Nixon, she said, the first women admirals and generals were appointed, along with the first women FBI agents and park rangers—facts that, she claimed, "totally escaped the

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American public." All this, she said, "opened a Pandora's box" (an unfortunate choice of metaphor). Other panelists, including Bobbie Kilberg, who had been a staff assistant on Nixon's Domestic Council, emphasized that Nixon introduced revenue sharing with the states. She did not point out that such a policy is diametrically opposed to the current GOP refusal to give federal aid to recession-crippled states.

Walker said, "Richard Nixon did more for the Native American than any president in history." Kilberg talked about Nixon's work on behalf of the Pueblo Indians of New Mexico. Blue Lake is sacred to the Taos Pueblo, she said, but it had been "taken unfairly forty years before and put in the National Forest." Nixon gave it back to them. "That is an example of the humanism of Richard Nixon—he would stand up for what he believed was right," she said—and the audience applauded.

Malek pointed out that "an abundance of leaders came from the Nixon White House." He listed "Colin Powell, Alan Greenspan, Pat Buchanan, Bill Safire, Hank Paulson and Nino [Antonin] Scalia," as well as George H.W. Bush, whom Nixon appointed ambassador to the UN after Bush lost a Congressional election in Texas. "Without Nixon, there would have been no President George H.W. Bush," Malek said, "and thus no President George W. Bush." The audience did not applaud.

It's worth remembering how different Nixon was from today's Republicans. It's also necessary to remember the abuse of power that ended his presidency. The Nixon Foundation will submit its critique of the proposed new Watergate exhibit later this summer, followed by a response from Naftali (this exchange is intended for the archivist only and will not be available to the public). Then, eventually, the archivist will decide how Nixon should be officially remembered, and what the public should be told about Watergate. ■

Citizens Unite Against *Citizens United*

MoveOn.org is leading a coalition of advocacy groups to overturn the Supreme Court decision.

by ARI BERMAN

A disturbing pattern has emerged repeatedly during Barack Obama's turbulent tenure in Washington: no matter what piece of progressive-minded legislation gets introduced, powerful corporate interests find a way either to kill the bill or thwart the provisions our gilded class finds most onerous. Sometimes they succeed completely (the Employee Free Choice Act); other times they score partial victories (healthcare reform). But those with the most money rarely lose outright. And then came the Supreme Court's January 21 decision in *Citizens United v. Federal Election Commission*, which greenlights unlimited corporate spending in federal elections and grants corporations the same free-speech rights as individuals, severely impairing our already dilapidated democracy.

The Court's ruling prompted immediate despair among progressive activists. "This decision will warp our democracy forever if we let it do so," says New York City Public Advocate Bill de Blasio. No longer could the festering issue of corporate involvement in electoral and legislative politics be ignored or simply remain the province of "good government" activists. Yet the public backlash against the decision—highlighted by President Obama's rare criticism of the Court during his first State of the Union address—provided an opening for progressives to organize around a bold and far-reaching reform message. "*Citizens United* was the breaking point for folks," says Ilyse Hogue, director of political advocacy and communications for MoveOn.org. "We needed a comprehensive vision, as a movement, for how to have a voice in our own democracy."

Starting in May, MoveOn organized more than 150 community forums across the country and consulted with experts in the public policy, netroots and legal communities to craft a progressive response to *Citizens United*. In late June MoveOn members overwhelmingly approved a three-part "Fight Washington Corruption" pledge calling for (1) overturning the Court's decision through an amendment to the Constitution; (2) passing the Fair Elections Now Act in Congress, which incentivizes candidates to collect small donations by offering competitive public matching funds; and (3) enacting tough new laws cracking down on the revolving door between government officials and lobbyists. A diverse coalition of advocacy groups, including the SEIU, Democracy for America (DFA), People for the American Way and *The Nation* signed on as co-sponsors. MoveOn called it "our most ambitious campaign ever."

The pledge has more than 400,000 signatures as of press time, and the goal is to gather 1 million by Election Day. Congressional candidates will be urged to sign it during the August recess, and by September, MoveOn plans to endorse those candidates who have enthusiastically embraced the reform message and target those who've most egregiously repudiated it—including corporate Democrats. "The goal is to make the election a referendum on corporate power," says Hogue. "For the first time, our members are sensing the need to go systemic." Frustrated by the lack of gains in the Obama era, MoveOn leader Sandra VanderVen, a real estate agent in Seattle, says members in her area are "excited to launch something huge and see where it goes."

There are no quick fixes to the Court's decision. "The fight for campaign finance reform and to overturn *Citizens United* is a multiyear, massive undertaking," says DFA political director Charles Chamberlain. An amendment to the Constitution hasn't passed in two decades. There is little appetite in Congress for stricter lobbying reforms. The Fair Elections Now Act, with

Ari Berman is a Nation *contributing writer. His book* Herding Donkeys: The Fight to Rebuild the Democratic Party and Reshape American Politics *will be published in October by Farrar, Straus and Giroux.*

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157 House co-sponsors, has the best chance of getting a vote and passing that body this year, but the math is much tougher in the Senate, where the bill has only twenty-two co-sponsors and has yet to receive a hearing in the Rules Committee. A legislative stopgap, the DISCLOSE Act, which requires a wide array of political groups to list their donors and identify themselves in ads before the election, passed the House in June but doesn't yet have the sixty votes needed to break a Republican filibuster in the Senate. It also exempts a few lucky behemoths, most notably the NRA, from disclosure requirements, and, at best, offers a return to the broken, pre–*Citizens United* status quo. The bill's flaws only underscore the need for more fundamental and structural long-term reforms. "Progressives have to grapple with this central truth—we can't solve the country's problems if we don't fix the systems of democracy," says Michael Waldman, executive director of the Brennan Center for Justice at New York University. "This has been a missing argument for the first year and a half of the Obama administration."

There is still a debate in Washington over what kind of impact the Court's decision will have on future elections. Labor unions have thus far outspent corporations in post–*Citizens United* spending, but that imbalance will likely be reversed by November. Conservative groups, including the Chamber of Commerce and the Karl Rove–backed American Crossroads, are already planning to spend $300 million in 2010 hammering Democratic candidates, according to a Democratic Party memo obtained by the *Washington Post*. "I'd be shocked if we went through this cycle without someone pulling the trigger," de Blasio says, noting that nothing—except the fear of a public backlash—prevents a company like ExxonMobil from unloading $1 million to influence a pivotal House or Senate race. De Blasio and New York City comptroller John Liu have been urging large financial firms like Bank of America to voluntarily disclose their political spending, with some success, by introducing shareholder resolutions and threatening consumer boycotts. "People have to feel like their spending could backfire tremendously," de Blasio says.

The aftershocks of *Citizens United* have initiated what Waldman calls "a mass teachable moment about the need for systemic reform." Combined with widespread public anger at big banks in the wake of the financial crisis, the time may be ripe for a Teddy Roosevelt–style populist crusade that transcends typical ideological barriers, linking the inequities in our economy to the staggering amount of money in our political system. "I don't really think this is just a progressive issue," says Keith Rouda, a MoveOn leader and business consultant in Louisville. "Before we're done, it'll be a little odd and it'll feel a little weird, but I think we'll be marching down the street with some Tea Party people." ■

Letters

(continued from page 2)

To meet the challenges of implementing CSP and ensuring results in the midst of daily conflict, USAID and IRD established thorough checks and balances, including regular audits and independent evaluations of program activity. IRD rejected numerous payment requests to Iraqi contractors during CSP because of incomplete documentation. In addition, IRD acted immediately on any improvements suggested by the auditors.

CSP has been declared a success by many, including beneficiaries and partners in Iraq and government and military leaders in Washington. IRD's efforts were proven to help stabilize communities across Iraq and help move the Iraqi people toward a better future, and IRD is proud to have helped so many Iraqis. This work is controversial to some. We respect those views and encourage informed dialogue on the issue.

Arthur B. Keys Jr., *president and CEO International Relief and Development*

Mogelson Replies

Brooklyn, N.Y.

I appreciate Arthur Keys taking the time to respond to my article (for which he declined to be interviewed). However, while claiming it contains "errors" and "misrepresents facts," he does not cite any instances of such. The general background he provides on the intent of IRD and the CSP is certainly informative. Of course, none of this negates or explains the problems I described: the vulnerability of cash-for-work programs to fraud, the overemphasis these programs place on statistical outputs and the fact that USAID hesitated to suspend one such program, implemented by IRD, even when several senior military and civilian officials warned that it was enriching the insurgency.

As for Keys's assertion that "CSP has been declared a success by many," the most thorough analysis of the program's effectiveness is the audit conducted in 2007 by USAID's own regional inspector general for Baghdad. It concludes: "The audit was unable to determine if the Community Stabilization Program was achieving its intended result—to help defeat the insurgency by reducing the incentives for participating in it—because we could not rely on one of the major measurements of the program (employment generation)." The inspector general could not rely on this measurement because many of the time sheets in IRD's possession, accounting for the workers it claimed to be employing, were found to be fraudulent.

Luke Mogelson

True GRIT, FeSTiVe—Good News!

New York City

Ben Ehrenreich's right ["How to Survive the Crisis (Organize!)," Aug. 2/9]. The media that love the Tea Parties ignored the US Social Forum. But credit where it's due: while the money media stayed away, Free Speech TV (FSTV) and *The Nation*'s colleagues at GRITtv were on-site, at the USSF's People's Media Center, packed with media new and old. A miraculous grassroots tech collective (shout-out to May First/People Link) made it possible to distribute up-to-the-minute reports—via print, radio, blog, tweet, even live TV.

In a manner barely imaginable just two years ago, FSTV broadcast more than forty hours of live programming on two satellite networks (Dish, channel 9415 and DirecTV channel 348) and online, reaching millions of homes. Our team included progressive journalists and activists Don Rojas, Herb Boyd, Sarah van Gelder, Rosa Clemente and Marc Steiner, along with reporters from the New America Media, *Yes* magazine, Making Contact and other members of the Media Consortium.

You can see Free Speech TV's coverage at fstv-ussf.blogspot.com.

Laura Flanders, *GRITtv;* Don Rojas, *FSTV*

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Books & the Arts.

Changing Places

by D.D. GUTTENPLAN

Permit me, as the English say, to declare an interest. I was first told the story of the death of Yvonne Hitchens by her oldest son on the weekend of April 8, 1989. Christopher and his wife, Eleni, put us up at their house in Washington on our way to an abortion rights march. Abortion was a touchy subject with the Hitchenses, and not just because Eleni was pregnant with their second child. There had been a party in the afternoon, but the atmosphere was hardly festive. Our hosts seemed to be attempting, with limited success, to suppress a long-running quarrel. (It can't have been much more than a month later that Christopher left Eleni for Carol Blue, whom he eventually married.) As the house slowly emptied I found myself alone with Christopher, who, either because he noticed my distracted air or wanted to change the subject, soon elicited the fact that I'd spent an earlier part of the day visiting my mother in the hospital where she was undergoing treatment for cancer.

I was feeling both anxious and guilty. Christopher's response was to sit me down, fill our glasses and tell me about being summoned to Athens too late to talk his mother out of taking her life. I wasn't making notes—his apotheosis as a world-historical figure and scourge of the believers was many years in the future—so I can't recall exactly how he introduced the topic. Nor can I recall all the sordid details, though I did come away knowing that his mother's suicide in 1973 had marked him in ways he generally preferred not to consider. What I can recall was my sense of a man whose life seemed, on many levels, to be a kind of performance, allowing himself to be "off," and to offer the only consolation he could: not cheerfulness, not competitive misery, but an acknowledgment that sometimes life just sucks. If any more evidence on *that* question were needed, in recent weeks the Internet has buzzed with the news that Hitchens is undergoing treatment for cancer of the esophagus, a disease, as ABC announced with barely restrained glee, "associated with smoking and drinking, habits Hitchens extolled as virtues."

ADRIAN BELLESGUARD

The pathetic circumstances of Yvonne Hitchens's last days have been told many times, and to many journalists. After a long, passionless marriage to a midranking officer in the Royal Navy, himself forcibly retired and working as a bookkeeper in a boys' boarding school, Yvonne fell in love with a former Anglican priest, only to have both their lives end in a suicide pact far from home. When I say that those last days have never been told so movingly, or with such filial tenderness, as in the pages of *Hitch-22*, you may think I am hardly an impartial witness. Fair enough. But where Hitchens is concerned, neutrality is liable to be in short supply.

Described as "a memoir," this book is a full-frontal self-portrait, not an apologia; as the author would doubtless want us to note, "Never Apologize, Never Explain" was the title of Edmund Wilson's 1944 *New Yorker* tribute to Evelyn Waugh. By turns beguiling, annoying, fascinating and infuriating, *Hitch-22* catches the tone, if not the totality, of the man. We learn that the object of his earliest amorous attentions was a classmate named Guy, "a sort of strawberry blond, very slightly bow-legged, with a wicked smile that seemed to promise both innocence and experience." Later on, after his tastes turned more conventional, Hitchens allowed himself a "mildly enjoyable relapse" with "two young men who later became members of Margaret Thatcher's government." Of his two wives, however, he says almost nothing. Readers expecting a full account of our hero's life and loves—or even of how he went about earning his trench coat—will be disappointed. So too will anyone expecting the kind of tough-minded dissection Hitchens practiced with such panache on the self-serving delusions of Henry Kissinger, Isaiah Berlin, Norman Podhoretz and Conor Cruise O'Brien.

Yet the book is a reminder that even on his worst days, Hitchens still writes well enough to be entertaining. At his best he is an unrivaled polemicist: a "strong writer" whose style leaves a lasting furrow in the reader's mind and whose arguments, no matter how seemingly wrongheaded, are almost always worth taking seriously. *Hitch-22* also has a built-in advantage: all self-portraits are

Hitch-22
A Memoir.
By Christopher Hitchens.
Twelve. 435 pp. $26.99.

D.D. Guttenplan, who writes from the London bureau of The Nation, *is the author of* American Radical: The Life and Times of I.F. Stone.

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illuminating, though not always in the way the artist intended. You would hardly guess from the brief, warm allusion to O'Brien as "a man of considerable mind" that while alive the Irish writer had been on the receiving end of a comprehensive kicking by Hitchens. Nor would Hitchens's past relish in repeatedly putting the rhetorical boot into Podhoretz seem credible to anyone encountering the rare, anodyne invocations of the father of neoconservatism here. Hitchens's new friends on the right might be tempted to trace his earlier *lèse-majesté* to the malign influence of his former friend, co-conspirator and fellow *Nation* columnist Alexander Cockburn—himself a conspicuous absence in these pages. But before we examine what Hitchens leaves out, we might consider what he leaves in.

Christopher Eric Hitchens was born in Portsmouth, England, on April 13, 1949. His father, Eric Hitchens, had come off a very good war, surviving the notoriously dangerous Murmansk run escorting convoys to Russia; his ship, the HMS *Jamaica*, fired the torpedoes that sank the German battleship *Scharnhorst*, one of the most celebrated Allied victories in the North Atlantic. The war had also brought Commander Hitchens together with Yvonne, a volunteer in the Women's Royal Naval Service. The Hitchenses were Baptists, which in British terms meant not officer material; the Lynns (Yvonne's mother's maiden name) had originally been Levins, from Poznan in Poland—not exactly officer material either. "The Commander," as Christopher and his brother, Peter, called their father, never knew of his wife's exotic background; his sons found out only when Peter, engaged to a Jew, presented his prospective bride to his maternal grandmother. "On hearing the tidings," Christopher wrote in *Grand Street* in 1988, "I was pleased to find that I was pleased."

At the time of this discovery Hitchens was Washington editor of *Harper's Magazine* and a columnist for *The Nation*; he was also the co-editor, with Edward Said, of *Blaming the Victims*, a collection of essays devoted to the Palestinian question. It would thus be unfair and inaccurate to say that Hitchens's coming out as "Jew-ish" (in Jonathan Miller's cringe-inducing but in this case apt phrase) in any way licensed his criticisms of Israel, which long predated it. But it certainly didn't hurt.

More pertinent is the light Yvonne's secret sheds on her determination, as remembered by her older son, to ensure that "If there is going to be an upper class in this country, then Christopher is going to be in it." This was her response to the Commander's observation that school fees were well beyond their means. Sacrifices were made, the requisite funds somehow found, and at the tender age of 8 Christopher was sent away to boarding school. *Noblesse Oblige*, Nancy Mitford's guide to the folkways of the English aristocracy—and the book that, Hitchens writes, served as "my first introduction to the Mitford sisters, and their impossible glamour and charm"—declares "there is one method of effecting a change of voice" so that a non-upper-class speaker can convincingly adopt the accent of his betters: "send him first to a preparatory school, and then to a good public-school." What is meant by "public-school" is what we Americans would call a private high school or prep school. The Leys, in Cambridge, where Hitchens enjoyed his first triumphs in debate and took the essay prize several years running, was what boys who do go to a "good public-school" might patronizingly refer to as "MPS" (Minor Public School). Founded by nineteenth-century Methodists, The Leys isn't even the most distinguished private school in Cambridge; it can, however, claim the distinction of having inspired *Goodbye, Mr. Chips*, whose author, James Hilton, was an Old Leysian, as was J.G. Ballard.

Such matters may seem trivial to us, but the gap between The Leys and a place like Eton is, to a certain kind of Englishman, nearly as precipitous as the chasm that separates MPS from the horrors of "MIF"—serving tea "Milk in First," which as Evelyn Waugh remarks in his contribution to *Noblesse Oblige* is "not normally done in the drawing room" and hence the mark of the servant class, not the swells. (Readers naïve enough to think that young Hitchens's mastery of the Marxian dialectic would have armored his indifference should consult his 2008 *Vanity Fair* paean to "The Eton Empire," in which, having been taken for an Old Etonian by the writer Julian Barnes, he records a "flush of guilty pleasure.") George Orwell, who disagreed with Waugh on many topics, was unbendingly orthodox on the makings of "A Nice Cup of Tea," specifying "one should pour tea into the cup first." But then Orwell really was an Etonian.

And so Hitchens arrived at Balliol College, Oxford, in 1967 not with "the tranquil consciousness of effortless superiority" that Herbert Asquith said was the mark of a Balliol man but with chips on both shoulders. One was a burning sense of social inferiority. Yvonne had drummed into her son the importance of not sinking "one inch back down the social incline we had so arduously ascended. That way led to public or 'council' housing…to people who dropped the 'H' at the beginnings of words and used the word 'toilet' when they meant to go to the lavatory" (an index also much remarked on by Nancy Mitford). At the same time, and in what a more supple casuist might describe as "dialectical" counterpoise to this fierce, fear-driven social ambition, he adopted an equally ferocious commitment to radical politics, specifically Trotskyism, more specifically still the "International Socialist groupuscule."

Hitchens went to Oxford already a member of IS—a tiny sect that differed from other Trotskyist sects chiefly in its belief that the Soviet Union was a "state capitalist" society rather than, as Trotsky maintained in *The Revolution Betrayed*, a "degenerated workers' state." From the outside it's hard to see this dispute as anything more than the narcissism of small differences, but in an essay a few years ago devoted to the campaigning journalist and former IS comrade Paul Foot, Hitchens summed up the IS catechism:

> That the capitalist system had only temporarily stabilised itself, and that the stabilisation was not by means of Keynesian welfarism but by reliance on a permanent war economy which proved the continuing irrationality of this mode of production. That the Soviet Union and its satellites were not the affirmation but the negation of socialism, resting on a system of 'state capitalism'. That while the globe was ruled in this way, it was idle and romantic to expect anything of peasant and Third World revolutions.

This last reservation is crucial, since it allowed IS-ers to dismiss with contempt the romantic third-worldism of their comrades in the various solidarity campaigns of the time. IS's goal was not so much to make the revolution as to be thoroughly wised-up about the conditions that made revolutionary change unlikely. "In the case of Vietnam," Hitchens recalled, "one should openly declare for the Vietcong while regretfully bearing in mind that their revolution could only produce an emaciated and regimented mutation of Stalinist autarchy. I found that I rather liked the pessoptimism of this, with its implication that one could with perfect honesty keep two sets of books." Might it be precisely this preemptive cynicism, a thickening of the skin to protect the political animal from the sting of anticipated defeat, that so formidably equips former Trotskyists for their eventual shuffle to the right?

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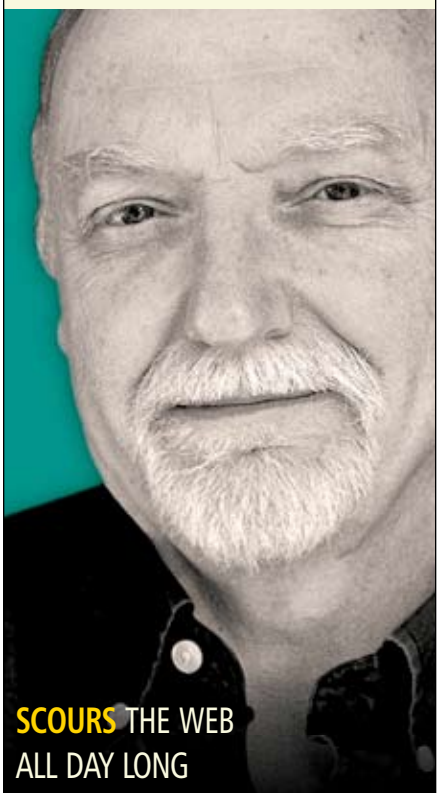

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But two sets of books? "I use the words 'double life' without any shame," Hitchens explains. "To be sure, I had hoped to re-make myself into a serious person and an ally of the working class and was educating myself with that in view. But I also wanted to see a bit of life and the world and to shed the carapace of a sexually inhibited schoolboy.… In any case, I was determined as far as I could to have it both ways."

At Oxford Hitchens proceeded to have it both ways with a vengeance, racing from a hard day's picketing at "French and Collet's non-union auto-parts factory" back to his room, "scrambling into a dinner jacket and addressing the Oxford Union."

> It was through the Union, in fact, that I found myself becoming socially involved with an altogether different "set".… I found myself…invited to dine in restaurants which featured tasseled menus and wine lists. This was wholly new to me and potentially very embarrassing, too, since I had virtually no money.… However without a word being actually spoken, it was subtly conveyed to me by my new friends that I wasn't expected to reciprocate. I was, instead, expected to sing for my supper. This could have been corrupting, but I justified it to myself by saying that I was learning from, and perhaps even teaching, the enemy camp.

In the course of his pedagogical round Hitchens often crossed paths with another young man on the make: "I didn't much like what little I knew of [Bill] Clinton, and this may have had something to do with my suspicion that he, too, was trying to have things both ways." Oxford also introduced Hitchens to his great friend James Fenton. The two men shared lodgings and a fondness for word games, and Hitchens later recruited the poet to contribute film reviews to the *Socialist Worker*. Fenton, in turn, introduced Hitchens to Fleet Street, the *New Statesman* and Martin Amis, who in all senses but the carnal serves as the love interest of these pages.

Hitchens was still foreign editor at the *Statesman* when he and I first met in 1979 at the suggestion of Amy Wilentz, then *The Nation*'s assistant literary editor. The "fragrant and tempestuous" Amy, as Christopher invariably described her, isn't in *Hitch-22*, but devoted readers may recognize her tag as a sign of the "Hitch-O-Matic" on cruise control, furnishing the deadline-harried hack with a fund of ready-made yet distinct verbiage: "louche," "farouche," "factor" (as in "The Fenton Factor"), "effusions," "cheap effusions," "I now find," "I should perhaps confess," "mark the sequel." Sometimes, as in "I choose to think," with its emphasis on the agency involved in cognition, Hitchensisms can even be said to serve a serious purpose. But there is something dispiriting about the way any woman who enters the narrative is assigned a diminishing epithet: "the beguiling Raimonda Tawil," "the lovely Barbara Kopec," "the fragrant and lofty" Antonia Phillips, even "the nasty but pulchritudinous" Angela Davis.

Susan Sontag is a significant exception, figuring in several episodes without benefit of dis-qualifying adjective, so I don't think the issue here is simply misogyny. Privilege also influences the calculations. "An aristocracy," Henry James once observed, "is bad manners organized," and the organizing principle here seems to be one set of rules for Hitchens and his mates and another for the rest of us. Sontag is gently scolded for her failure to take a properly patriotic line after 9/11; her "co-thinkers" (to use the proper Hitchensism) on the "gutless Left" are damned for their "moral imbecility." The divide between those to whom anything is permitted and those of whom nothing much is expected reveals itself most starkly when Hitchens describes a visit to a Polynesian-themed massage parlor with Amis, gathering material for "what was to become his breakout novel *Money*." Hitchens compares the task of having to pretend sexual "interest in someone who was being paid… to feign a contemptuous interest in me" to the experience of being waterboarded, and then goes on to complain that the "avaricious bitch" named a price higher than his liking. Of course, "the cynical little witches at the 'Tahitia' were not to know that they were being conscripted into the service of literature."

While Hitchens and Amis share "a love whose month is ever May," mutual admiration apparently has its limits. I would have been perfectly happy not to know what Hitchens feels compelled to tell us about Gore Vidal's favored mode of sexual gratification—an anecdote that also involves the British journalist and politician Tom Driberg, a man described both as a "legend on the journalistic and cultural left" and "the old cocksucker," whose sin, apart from developing "a fondness for me which I don't think was especially sexual," was to have introduced Hitchens to Vidal. But by what possible standard of sexual candor or delicacy does Hitchens write that Fenton, for decades a happily out gay man, "was the only one of us who didn't at the time have a female companion," remarking that Fenton later had "a walk-out with a Valkyrie

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look-alike"? Though we are assured that the regard of Hitchens for Amis "was the most *hetero*sexual relationship that one young man could conceivably have with another," their friend Fenton's actual affectional life is never acknowledged.

Until I read this memoir I had always registered Hitchens's doubleness as evidence of the fine balance of his mind, the scrupulousness of his politics, which in those days and for years afterward could best be summed up as anti-imperialist. In a 1976 essay ostensibly about Guernica, he begins with a paradox: "There is the atrocity of war, and the atrocity in war." Then he dismantles it: "For the purpose of analyzing a fascist attack on democracy, the distinction is a phony one. The tactics derived from the strategy; the strategy was neither just a military operation nor simply a war crime. Like My Lai, it was both; and like My Lai, inevitably so." I can still remember the first time I noticed the Hitchens byline—on a dispatch from Northern Ireland in the *New Statesman* as remarkable for the absence of cant about either the IRA or the British government as for its style. Here was a reporter who refused to pander to his readers' prejudices at the same time his indiscreet and densely (historically and literarily) allusive prose seemed to put a pleasingly high estimate on one's intelligence. Here, crucially, was an avowedly left-wing writer who regarded it as no part of his job to accept or purvey bullshit from "our side," heeding instead Trotsky's view that the "professional ethics of a correspondent" are best summed up in two words: "Don't lie!"

This is harder than it looks, particularly when the people and causes to which you are committed are not only outgunned but routinely slandered and distorted by "responsible" journalism. Hitchens, however, made it look easy. Scathing about the Soviet Union—a habit that persisted long after he'd left the IS—and skeptical about Cuba, he was sympathetic to Czech and Polish dissidents (Jacek Kurón and Adam Michnik were favored sources years before *Solidarnosc*), outspoken about Israel and rude about the Contra frontman Arturo Cruz and a whole herd of sacred cows, from Mother Teresa to Elie Wiesel.

The rudeness mattered, too. When you're surrounded by men and women whose career goal is to become stenographers to power, there is something not just subversive but downright liberating about refusing to bend the knee or play the toad. Like I.F. Stone, Hitchens in his prime was a master of the awkward question—though unlike Stone he seemed to relish the confrontation as much as, or more than, any information elicited thereby. Some portion of Hitchens's celebrity probably stems from this evident willingness to "mix it up"—to give better than he got, even to be a bit thuggish at times. Why, as he often posed the question, should the devil get all the best tunes?

In recent years, however, his confrontational manner, once best described as an abrupt withdrawal of charm, has at times seemed positively crude. In May 2002 I attended a debate in London on the "war on terror." Though the audience was largely hostile, Hitchens, who appeared somewhat the worse for wear, more than held his own—until the Q&A period, when he repeatedly baited a dark-skinned questioner, referring to him as "the subcontinental gentleman" even after the man made it clear he'd been born in Britain.

Hitchens loved to tell the story of how Claud Cockburn challenged his colleagues at the British satirical weekly *Private Eye* to name "the most admired figure in the world." After some debate, the group settled on Albert Schweitzer. "Then that's who we go after!" Cockburn replied. Yet when contrarianism becomes not just a habit but a method, the line between having no illusions and having no ideals can be tricky to discern. Hitchens's brief, unhappy flirtation with David Irving—which waxed with the assurance in June 1996 that Irving was "not just a Fascist historian. He is also a great historian of Fascism" and waned five years later with the revelation that Irving had fabricated evidence, fiddled figures and favored Hitchens's younger daughter with a recital of racist doggerel—is as good an object lesson as any in the perils of parlor iconoclasm. I don't think Hitchens doubted the reality of Auschwitz even for a second. Rather, his eagerness to *épater* the literal-minded, spurred by an awareness of the ways the Holocaust has been exploited as a shield for Israeli intransigence, led him to neglect the signs that should have warned him off Irving.

Early in *Hitch-22* the author describes his attachment to the "Labour movement"—not the British Labour Party, which he rightly saw as "boring and compromised" (and which hasn't improved with age), but a mass movement that "contains within itself the germinal hopes of a better future…all the while uniting with similar movements in other countries to repudiate the narrow nationalisms and chauvinisms that lead to wars and partitions.

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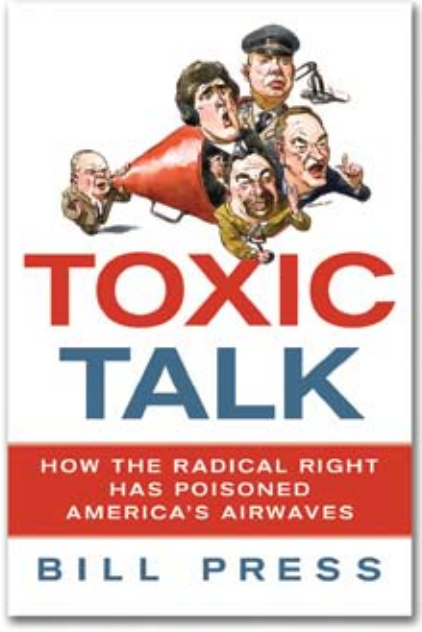

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To be enrolled in its ranks is to be a part of an alternative history as well as an alternative present and future." He goes on to say, in a voice notably devoid of irony, "for me, this 'movement' is everything."

And then it wasn't. Hitchens cites the destruction of Sarajevo as the occasion of his first real break with the left, this movement that had meant "everything" to him. However self-flattering, the claim has merit. Certainly many here at *The Nation* were dubious about the prospects of an American intervention in Bosnia. But others took a different view—not least Hitchens, though he recognized that "troops are always sent with a 'humanitarian' and peace-keeping purpose. That was how the US Marines had gotten to the Philippines and Cuba, and it was also the pretext for western intervention in the Congo. As an excuse, it ranks only slightly higher than the degrading idea that intervention is necessary 'to protect our nationals.'" *Hitch-22* also offers support for those who point to the 1989 Iranian fatwa against Salman Rushdie as the moment when Hitchens began to re-examine his commitments. The fatwa threw one of his closest friends upon the tender mercies of the British security services and into the rhetorical embrace of Susan Sontag, while some old comrades signally failed to rally round.

The Rushdie Affair may have been Hitchens's finest hour; certainly he responded with alacrity and courage, though he mars the effect slightly in *Hitch-22* by falsely including former *New York Times* executive editor A.M. Rosenthal among those who "turned their ire on Salman and not on Khomeini." I was at the fraught February 1989 PEN meeting in New York at which Hitchens's defense of his friend drew tumultuous applause, and was slightly surprised to be standing next to Rosenthal, a favorite left-wing punching bag. Rosenthal did attack Hitchens, though not Rushdie, in his infamous "On My Mind" column the next day; at the time I was more struck by the handsome way Rosenthal, no friend of the Palestinian cause, paid tribute to "the particular bravery of Prof. Edward W. Said…a learned and eloquent spokesman for the Palestine Liberation Organization" for his remarks at the Rushdie meeting. Rereading the column today, I wondered what Hitchens would make of Rosenthal's suggestion that "the West, for the sake of its moral health, should declare an economic blockade of Iran, enforced by air and sea. The West hesitates because it might cost industries like arms and oil some money." Or of a certain Washington editor of *Harper's* who in 1986 wrote (and this is what so provoked Rosenthal), "The word "terrorist" is not—like "communist" or "fascist"—being abused. It is itself an abuse. It disguises reality and impoverishes language and makes a banality out of the discussion of war and revolution and politics. It's the perfect instrument for the cheapening of public opinion and for the intimidation of dissent."

The Rushdie Affair may have been Hitchens's finest hour, one of alacrity and courage.

But quoting Hitchens against himself is too easy to offer much sport. From his 1976 *New Statesman* valentine to Saddam Hussein ("the first visionary Arab statesman since Nasser"); to his denunciation of Labour leader Michael Foot ("Some say that his present attachment to the most flagrant conservatism is the result of a 'mellowing' process. Others talk darkly of a 'sell-out'"); to his view that "intellectually contemptible" though neoconservatives may be, "fluent twisters like [Jeane] Kirkpatrick" have their uses ("a certain vital patina has thus been provided to this government of Christian bigots and thwarted militarists by an ostensibly secular, internationalist political tendency"), Hitchens is almost invariably the most eloquent witness against his present self.

Except when he isn't. Hitchens cites his early enthusiasm for the Iraqi Baathists in a long chapter purporting to explain how he'd "almost completely reversed" his opinion. Since "the attempt to change political Washington's mind about Saddam Hussein has been the subject of so much lurid invention… I really think it is time that I named myself, along with the other conspirators involved." And so we are introduced to Kanan Makiya, author of *Republic of Fear*, a superb résumé of Saddam's manifold cruelties; the diplomat Peter Galbraith, who exposed Saddam's gassing of the Kurds in Halabja; the left-wing Labour MP Ann Clwyd, who fought to get Saddam indicted for war crimes; and Rolf Ekeus, a UN arms inspector who'd been "politically dedicated to every conceivable good cause from multilateral disarmament to the abolition of apartheid." In other words, an entirely and impeccably "progressive" bunch. If he can't quite make the same claim for Ahmad Chalabi, he nonetheless assures us, "If I mentioned or inquired about any Arab or Kurdish or Iranian intellectual, [Chalabi] seemed to have read their most recent book the day before. When it came to Marxism, he knew all the Iraqi Communists I had ever met, and even when it came to Trotskyism, he actually knew the meaning of the phrase 'permanent revolution'—this is an acid test, by the way." Nice to know, just as it's nice to know that on their second meeting Hitchens and Chalabi "spent a good deal of time discussing the Bloomsbury Group and the shadings of difference between Lytton Strachey and John Maynard Keynes," thus providing conclusive proof that you can, indeed, bullshit a bullshitter.

But where this touching tale turns false is with Hitchens's claim that it was this happy band, rather than any "neoconservative cabal," who turned the trick. One day Hitchens receives a call from the Pentagon inviting him to meet with Paul Wolfowitz, who confides his dream of spreading democracy throughout the Middle East. That very night, Hitchens and Makiya attend a private dinner in Cleveland Park to launch the Committee for the Liberation of Iraq, and Wolfowitz—small world!—is the after-dinner speaker. "He made a very forceful and lucid presentation, without notes…. We had heard the news that Vaclav Havel and Lech Walesa would adorn the letterhead of the Committee."

It might have spoiled the effect if Hitchens had mentioned that the committee, and quite likely the dinner, had actually been organized by Randy Scheunemann, a former aide to Trent Lott who later signed on as a foreign policy adviser to John McCain. Or that the committee's chair was Bruce Jackson, former VP of strategy for Lockheed Martin, who'd drafted the foreign policy plank for the Republican platform in 2000, while other luminaries included Newt Gingrich, Richard Perle and Gary Schmitt, chair of the neoimperialist Project for the New American Century. Jeane Kirkpatrick also "adorned the letterhead," but this time the "intellectual patina" was supplied by Bernard Lewis (who'd once been demolished by Hitchens and Edward Said in a debate on the causes of terrorism) and Leon Wieseltier (who'd served as Lewis's second in that debate). Yet none of these people are mentioned in Hitchens's forty-nine-page account of his misadventures in Mesopotamia.

Hitchens's description of his rupture with Said is equally self-serving and, to adopt Hitchens's locution, "exceptionally mendacious." Hitchens accuses Said of writing that "the looting and destruction of the exhibits in the Iraq National Museum had…been a deliberate piece of United States vandalism,

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perpetrated in order to shear the Iraqi people of their cultural patrimony and demonstrate to them their new servitude." Here's what Said wrote, in April 2003: "To the dreadful scenes of looting and burning which in the end are the occupying power's responsibility, Rumsfeld managed to put himself in a class beyond even Hulagu [the thirteenth-century conqueror of Baghdad]. 'Freedom is untidy,' he said on one occasion, and 'stuff happens' on another. Remorse or sorrow were nowhere in evidence." In September of that year, with his old friend on his deathbed, Hitchens described Said's introduction to a new edition of *Orientalism* as "rescued from sheer vulgarity only by its incoherence." As Ben Sonnenberg, who knew both of them well, told me, "Edward kept forgiving Christopher everything, right to the end."

Which brings us back, I think, to bookkeeping. Hitchens may have started two sets of books as a way of squaring his social ambition with his revolutionary ideals, but the risk of doubleness is that it can become an end in itself, a stratagem divorced from any pressing expedient. Maintaining the pretense over a lifetime must be exhausting as well as exhilarating. As he wrote about his idol George Orwell, "There's something self-destructive as well as self-fulfilling in helping to create an atmosphere which you deplore."

It's the strain of keeping his double entries in balance (rather than, as Sonnenberg thought, "an uncritical admiration for George Orwell") that I suspect accounts for the apparent suddenness and evident ferocity of Hitchens's transformation. How else are we to understand his eagerness to treat old collaborators with contempt at the same time as he depicts new comrades, some of them with operational responsibility for thousands of civilian deaths, as splendid fellows, connoisseurs of art and irony? Hitchens's evident disdain toward his former attachments brings to mind Isaac Deutscher's description—once quoted by Hitchens—of an ex-Communist who, having disembarked from the locomotive of history, is "haunted by a vague sense that he has betrayed either his former ideals or the ideals of bourgeois society," and who "tries to suppress his sense of guilt and uncertainty, or to camouflage it by a show of extraordinary certitude and frank aggressiveness."

Unlike, for example, Edward Said, who couldn't decide to stop being Palestinian, Hitchens chose his commitments—which is true for many of us. Such freedom, however, imposes an obligation toward those who lack the luxury of choice. Hitchens, naturally, puts it very well, writing about Nadine Gordimer's novel *A Guest of Honor*, whose central character "sees his beloved revolution besmirched and yet does not feel tempted—entitled might be a better word—to ditch his principles.... There is no sparing of 'progressive' illusions," yet "you end by feeling that the attachment to principle was right the first time and cannot be, as it were, retrospectively abolished by the calamitous cynicism that only idealists have the power to unleash." No matter what he wrote when he resigned from *The Nation* in October 2002, Hitchens must know that exasperation with your readers isn't a badge of oppression. But then, I don't believe he left the left, or *The Nation*, for political reasons. I think he just outgrew them.

Not over Iraq, 9/11, Sarajevo or Salman Rushdie. Because even when the movement was "everything," that was never more than half the story. There was always—always—another column of figures, charting the rise of Christopher Hitchens. At Oxford he was once asked to "arrange a gentle punting trip for Sir Max Mallowan and Lady Mallowan" (known to posterity as Agatha Christie). Invited to their home afterward, he suddenly felt himself "congeal with unease" owing to "the anti-Jewish flavor of the talk." He tells us "one must never just sit there," and opposition to anti-Semitism was central to his politics decades before he discovered any personal stake in the fate of the Jews, yet Hitchens doesn't claim to have interrupted the Mallowans. He does, however, boast elsewhere in the book, "I was one of the very few socialists to support Mrs. Thatcher" during the Falklands War—though that, too, must have been very discreet, since he didn't express his support in either *The Nation* or *New Statesman*. He tells us "my old Oxford comrade Andrew Cockburn" witnessed his taking the oath of American citizenship in a ceremony at the Jefferson Memorial arranged by Michael Chertoff, architect of the Patriot Act, in April 2007; but he doesn't mention Cockburn's report, published that same month, saying that Hitchens's friend Rolf Ekeus had been just as convinced as Hans Blix that Saddam had destroyed all of his WMDs. The best thing about keeping two set of books—personal and political—is that when the columns are added together the balance is always in your favor. Which makes changing sides as easy as changing trains.

But there is also a price to pay, and Hitchens has paid it. In *The Balkan Wars* Trotsky writes, "I was not prepared to play the role of 'singer in the camp' of the...warriors." Hitchens's disgust with Saddam was honorable, but posterity is unlikely to deal kindly with his willingness to be a singer in the camp of George W. Bush. Most of all, Hitchens has to live with the knowledge that young men went into battle with his words on

Breaking News

Amid a conflicting report
a nuthatch fetches a black fly,
dips its plume in stagnant pool.
This is a sky drawn, grafted,
rescued, not a bath of vapors an afternoon
shutters with counterfeit meaning.
It is just an incident within
a field of possibility, something periodic
and bruised, one location
in which we grip that instant of contact.
Upstream a scarecrow is ragged
in the wounding, a music of terror
barely rises above the slopes,
reft with nothing
but its melody's radius,
the slow ancient call of the bird
in the distant flicker.

MATTHEW GAGNON

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their lips—and not all of them came back.

If Hitchens has lately seemed to waste his great gifts on projects like getting his "back, sack and crack" waxed for the entertainment of *Vanity Fair*, that has been our loss as well as his. In 1995 he wrote, "I had the privilege of meeting Justice Richard Goldstone, the man who has done more than perhaps any other to save the remnants of South Africa's legal system from degradation." Operation Cast Lead, Israel's three-week assault on Gaza in 2008–09, provoked from Hitchens only a single, feeble "plague on both your houses" column in *Slate*. In 2010, when Goldstone was vilified for his damning report on Israel's conduct in Gaza, Hitchens had nothing to say.

To measure his loss, and ours, look at *Prepared for the Worst*, a collection of his early work published in 1988, or his superb, and sadly still pertinent, book on Cyprus from 1984. Or read his *Nation* column from May 2001 on Bob Kerrey's lasting culpability for a massacre in Vietnam. Hitchens was teaching at the New School at the time, making Kerrey, he wrote, "my president"; yet the piece, incandescent with moral outrage, is never callous or crude. "If you look back on the essays that made his name," Hitchens writes about Noam Chomsky, "you will find a polemical talent well worth mourning, and a feeling for justice that ought not to have gone rancid and resentful." I wish Hitchens a speedy recovery, a long life and as much celebrity as he wants. But it's the Christopher with a feeling for justice I mourn. I miss him very much. ■

HARRIS & EWING, COLLECTION OF THE US SUPREME COURT

The "Nine Old Men" of the Supreme Court, 1932

A Wedge Against Tyranny

by MICHAEL O'DONNELL

The uproar over Franklin Roosevelt's Court-packing scheme of 1937 highlighted two perennial tensions in our public life: ends versus means and law versus politics. Roosevelt sought to curb an activist Supreme Court that had brazenly overturned nearly every progressive law that came its way. The National Industrial Recovery Act, the Agriculture Adjustment Act, pension laws, workplace regulations—all were designed to ease the suffering and unemployment of the Great Depression, and in 1935 and 1936 all were invalidated by the Court. By February 1937 Roosevelt had seen enough and introduced the Judiciary Reorganization Bill, which permitted the president to appoint one new justice for every justice who remained on the Court after age 70. If enacted by Congress, the bill would have enabled Roosevelt to add six justices, obviously all liberals, thereby enlarging the Court from nine to fifteen members and reshaping it from a dangerous foe to a formidable ally. Roosevelt's domestic agenda would have been spared, but only after a major blow to judicial independence, a cornerstone of the separation of powers in American government. But Congress rejected the bill, which had lost all momentum after swing Justice Owen Roberts began voting with the Court's liberals and conservative Justice Willis Van Devanter retired and was succeeded by the Southern liberal Hugo Black, Roosevelt's first appointment. A 5-4 conservative bench suddenly became a 6-3 Roosevelt bench. Ends trumped means, and the New Deal was safe.

Supreme Power
Franklin Roosevelt vs. the Supreme Court.
By Jeff Shesol.
Norton. 644 pp. $27.95.

The reasons for the bill's failure prompt a cynical appraisal of whether law is anything more than politics by another name. Roberts swore that he hadn't caved in to political pressure, but nobody believed him. His dramatic reversal—known as "the switch in time that saved nine"—occurred in *West Coast Hotel Co. v. Parrish*, a case involving a constitutional challenge to Washington State's minimum wage law. Roberts had supplied the fifth vote to strike down a nearly identical New York law less than a year earlier on the rationale that it interfered with employees' and (mostly) business owners' liberty of contract—a favorite doctrine of the Court's conservatives. But he did an about-face and voted to reject the constitutional challenge in *Parrish*, elating the administration and confounding his brethren. The public did not know at the time that the Court actually held its initial conference and vote on *Parrish* two months before Roosevelt announced his Court-packing bill, so perhaps Roberts's decision was not political. Then again, Roosevelt and his allies had been stridently criticizing the Court for months, and various other reform packages had already been introduced in Congress; many historians believe that this steady drumbeat influenced Roberts. He voted with the liberals in the two big remaining cases of the 1936–37 term, rejecting challenges to the National Labor Relations Act and the Social Security Act.

The Court-packing plan and "constitutional crisis" of 1937 are not well-known outside political history circles and first-year law classes. But Jeff Shesol, in his superb book *Supreme Power*, reminds us of the episode's historical and contemporary resonance. The showdown was "one of the most ferocious, unpredictable, and consequential fights of the Roosevelt presidency," he writes. In addition to its legal significance, the Court battle diminished Roosevelt's prestige: he was proven to be fallible, and his support within the Democratic Party slipped. The episode also serves as a warning that future presidents who mess with the Court will get burned. In its analysis of the lead-up to and fallout from Roosevelt's scheme, *Supreme Power* is remarkably assured and eminently readable; Shesol, a former speechwriter for Bill Clinton, has synthesized decades of scholarship to produce a fluid, entertaining yet tremendously perceptive book. Although Shesol focuses more on politics and public relations than legal

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analysis, his accounts of the principal cases are clear and accurate. *Supreme Power* should bring the Court-packing plan to a broader audience than ever before.

Shesol explains that the Court's rulings against Roosevelt created a persistent legal uncertainty that not only inhibited the delivery of government aid but also revived the intense disrespect for federal law that had prevailed during Prohibition. Acts of Congress were presumed unconstitutional and flouted openly until proven otherwise in Court. Even in 1933,

> The cry was not "justice" but "relief." What was at stake was not simply the eventual return of prosperity. It was the survival of democracy. Could representative government, with its checks and balances, with its suspicion and fragmentation of power, respond quickly and effectively to mass hunger, unemployment, desperation, and rage? And if not, could such a system endure much longer?

These are not idle superlatives. When the Court struck down its first New Deal law in January 1935—a provision limiting the sale of illegal crude oil in order to raise prices—Chief Justice Charles Evans Hughes conspicuously waited to announce the decision until the financial markets had closed for the day. While the administration waited nervously to learn whether the Court would uphold Roosevelt's decision to void all clauses in private and public contracts that guaranteed payment in gold, "Officials from the Treasury and the Securities and Exchange Commission were stationed in the Supreme Court marshal's office, with a line open to the SEC's chairman, Joseph P. Kennedy, who was empowered to shut down the stock market if things came to that." (The Court ultimately ruled in favor of the administration.) Shesol recounts scenes in which Roosevelt, Attorney General Homer Cummings and West Wing staff sat in the White House reading aloud Supreme Court opinions fresh from the bench and analyzing them line by line. The Court had severely disrupted public business. Roosevelt determined to act.

Despite the abrupt manner in which he announced the Judiciary Reorganization Bill, Roosevelt had spent two years casting about for ways to rein in the Court. His staff considered all options, including outright defiance. Shesol excerpts a spooky memo, "for use if needed," in which Roosevelt would have told the nation he was disregarding a hypothetical Supreme Court decision because it would "so endanger the people of this Nation that I am compelled to look beyond the letter of the law" to sources such as "the Golden Rule," the "precepts of the Scriptures and the dictates of common sense." Various bills and constitutional amendments were also considered: to allow Congress to override Supreme Court decisions, to require a supermajority vote to invalidate an act of Congress, to create a mandatory retirement age for justices. All were rejected as unworkable and slow, but the last proposal gave Cummings the idea that germinated into the Court-packing bill. Deliciously, a similar suggestion had been made decades earlier by archconservative Justice James McReynolds—one of the Four Horsemen, as Roosevelt called the Court's conservative bloc—when he was attorney general.

Changing the size of the Supreme Court does not require a constitutional amendment; an act of Congress will do. The Constitution states, "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish"; it says nothing about the number of justices. Congress sets that number and has changed it throughout the years—sometimes for nakedly political reasons—from as few as five members to as many as ten. For example, the number was expanded from nine justices to ten in 1863 to protect Abraham Lincoln's war policies from the Court, and returned to nine in 1866 to prevent Andrew Johnson from appointing a justice. Such efforts have always been regarded as an affront to the judiciary, but their constitutionality has not been seriously questioned. (In any event, it is doubtful anyone would have standing to bring a challenge except a justice, who would have to take the extraordinary and probably futile step of suing to protest the dilution of his or her vote.)

Roosevelt decided to spring the Court-packing plan shortly after his re-election in 1936, which was an unprecedented landslide. And therein lay his first problem. After he made his stunning announcement in early 1937, voters howled about a double cross: if he had intended all along to take such a radical step, he should have campaigned on it. He also foolishly decided not to involve Congress, briefing House and Senate leaders a mere hour before going public, and thereby alienating many allies. Most disastrous, though, was his patently disingenuous rationale for expanding the Court's size: the issue, he said, was not a hostile Court but one composed "of aged or infirm justices." According to Roosevelt, new members were needed because old justices were falling behind in their work, clogging the dockets and taking on too few cases. In private, his best advisers, including his future Court appointees Felix Frankfurter and Robert Jackson, deplored this cheap pitch and urged Roosevelt to confront the Court head-on, without guile. In Jackson's words, "nobody ever yet went into a fight over a set of statistics.... Instead of talking about the cases the court would not take, let us talk about the cases they did take." Roosevelt eventually followed this advice, but only after Congress and the public closed ranks against his plan.

Amusingly, Shesol takes a certain professional umbrage at this shoddy salesmanship. Regardless of the bill's merits (of which he is skeptical), he thinks Roosevelt and Cummings lost because they "fell victim to their own cleverness." The conflict "brought out some of [Roosevelt's] most destructive tendencies. His love of the covert; his preference for the sly over the straightforward; his occasional vindictiveness; his eagerness to astonish—all these came together in the Court-packing plan." In a press conference about the new bill, Roosevelt winked and chuckled with reporters; all present knew that this age business was nonsense. The pretense deeply offended the justices—they all opposed the plan—and it gave Roosevelt's opponents grounds to question his motives in all areas of policymaking. In what seems like a prelude of the recent battle over healthcare, Tea Party types compared him to Hitler and Stalin and denounced the bill as the end of liberty. But the Republican leadership wrangled its members and shrewdly kept mum, allowing the Democrats to kill the plan themselves, and to splinter irrevocably in the process.

The internecine battle within the Democratic Party that followed was bitter and ugly. William Leuchtenburg contends in *The Supreme Court Reborn* that "FDR's message generated an intensity of response unmatched by any legislative controversy of this century," except possibly the fight over joining the League of Nations. Southern Democrats feared that an expanded liberal Court would give rights to blacks; progressives saw an assault on the branch responsible for protecting civil liberties; moderates who had always mistrusted Roosevelt now had proof of his treachery. Liberal institutions wrung their hands over what to do; *The Nation* tore itself apart over the issue. Executive editor Freda Kirchwey strongly backed the Court-packing bill, publishing an editorial titled "Purging the Supreme Court," which called the plan "a brilliant tour de

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force" and praised the president for "giving the Supreme Court judges a dose of their own medicine." Oswald Garrison Villard, the magazine's legendary former publisher, disagreed vigorously with this editorial position, as did publisher Maurice Wertheim, who ended up selling the magazine several months later, citing the Court-packing split as an irreconcilable difference.

Before the high drama of Roberts's switch in time, two remarkable events prefigured the demise of Roosevelt's bill. First, during Senate hearings, Senator Burton Wheeler, the progressive leader of the anti-Court-packing movement, revealed with a flourish a formal letter from Chief Justice Hughes proving that the Court was not behind in its work and that justices' productivity did not decrease with age. It was the first and only public statement by a justice that expressly discussed the Court-packing plan. Hughes, a former governor of New York, played his hand masterfully, writing on behalf of himself, Justice Louis Brandeis and Justice Van Devanter in a formal, aloof and utterly devastating manner. Instead of enlisting the entire Court—several of whose members might not have signed on—Hughes cleverly created the appearance of unanimity by including Brandeis, the Court's legendary liberal whom Roosevelt fondly called Old Isaiah. Hughes, Roosevelt conceded, was "the best politician in the country."

The second setback came during the frantic final push to herd the caucus and pass the bill. Senate majority leader Joe Robinson, who led the fight for reform and had been promised a seat on the Court, died suddenly of exhaustion and heart failure. (He was 64, a decade younger than Chief Justice Hughes, one of the Court elders FDR insinuated was infirm.) In scenes that make current Washington squabbles seem tame by comparison, Shesol recounts how members of Congress worked one another over on the train to Robinson's funeral in Little Rock, Arkansas. Wheeler went so far as to blame Robinson's death on Roosevelt, prompting outrage from the New Deal camp. A week later, on July 22, 1937, the Senate voted 70-20 to return the bill to the Judiciary Committee, in effect killing it. But by that time Roberts was voting with the Court's liberals and the conservative Van Devanter was soon to be replaced with Black. The bill was no longer needed.

Reading *Supreme Power* amid the death-panel and treason talk of 2010, one wonders how President Obama would react if the Supreme Court were to strike down his signature healthcare reform. Would he try to pack the Court? If so, would the current Court react like the Hughes Court? On the one hand, Obama would have just as cagey an opponent in Chief Justice John Roberts as Roosevelt faced in Hughes. And Justice Anthony Kennedy—the Court's current swing voter—would almost certainly shelve his grandeur and roll over like Owen Roberts probably did in 1937. But on the other hand, it's hard to imagine Obama pulling such a stunt: he is a former law professor and a student of the Court, and would doubtless recoil from such tactics, as serious legal thinkers did in Roosevelt's time. He has nominated two young, moderate liberals to the Court in as many years, demonstrating his apparent plan to outflank the conservatives in the traditional way—by attrition. In contrast to this patient legalism, Roosevelt "had a tendency to think in terms of right and wrong, instead of terms of legal and illegal," observed Robert Jackson. "Because he thought that his motives were always good for the things that he wanted to do, he found difficulty in thinking that there could be legal limitations on them."

The better question is whether George W. Bush considered packing or otherwise curbing the Court in response to a string of devastating decisions about detainee policy from 2004 to 2008. No evidence has emerged that he did. But even if only hypothetically, the "war on terror" is a useful parallel to the 1937 crisis, for both presented situations of true exigency—an economic depression and a war—and involved the Supreme Court's frustration of the president through a stunning assertion of judicial power. Some might reject the comparison on the grounds that the Great Depression was a true calamity, while the "war on terror" is a fraudulent construct. But the question is one of structure, not substance: does an administration's power expand and contract like an accordion in times of emergency? Can the executive branch arrogate "supreme power," to quote Shesol, at the expense of another coequal branch of government? The answer must be no. Such shenanigans dangerously concentrate power in one branch and undermine the authority of the Supreme Court, leaving it weak at those moments when we sorely need it—like during a Bush presidency. Targeting the Court for political reasons is also usually self-defeating. Two of the Four Horsemen, Justices Van Devanter and George Sutherland, had planned to retire in 1932, and their departure might have spared the country the entire Court-packing fiasco. But they

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changed their minds and decided to stay on the bench because Congress halved the amount of judges' pensions.

Shesol is right to conclude that the struggle of 1937 reveals the Supreme Court to be neither a group of divine oracles nor a pack of political hacks, but a little of both. Of course the justices are influenced by politics, and for that reason they can never be completely above it; when the Court stops a president in his tracks, it should expect some heat. But to concur with a cynical view of the Court on the order of Roosevelt's plan—to browbeat the justices like a group of freshmen Congress members until they get in line—is to assume that it is *only* political. The ideal of an independent judiciary does not mean zero political interference—that would be impossible. Instead, it strives for as little interference as can be achieved. Such standards may not always be expedient, but they turn out to be an excellent wedge against tyranny. ■

The High Wire

by PETER C. BAKER

In the closing pages of Deborah Eisenberg's *Collected Stories*, a woman describes her afternoon in a museum:

> Looking at a painting takes a certain composure, a certain resolve, but when you really do look at one it can be like a door swinging open, a sensation, however brief, of vaulting freedom. It's as if, for a moment, you were a different person, with different eyes and different capacities and a different history—a sensation, really, that's a lot like hope.

Much the same could be said of the collection's twenty-seven stories, which are long and knotty, and yield their transfiguring riches only to the diligent. It has become commonplace for critics tackling this richness to describe it by reference to novels: the stories are "novelistic in all but…length," "as full of life and of lives lived as a novel" and "as unafraid of digression as most novels." Eisenberg herself has called her creations "vertical novels."

The reflex is understandable. Consider her 1997 story "All Around Atlantis": the narrator, a fiftysomething named Anna, has just attended the funeral of someone named Lili, where she saw but did not speak to a man named Peter, first identified only as the author of a book about someone named Sándor. And away we go, pirouetting forty years into a past where Anna, Lili and Sándor shared a small apartment, with Peter as an ever-present guest. No sooner is the scene set than Eisenberg shoots decades forward, into Anna's marriage and its failure, to a visit to her son in Los Angeles, then back to Lili's funeral. At the same time, back in that small apartment, young Anna is trying to conjure up images of the Holocaust in Hungary. She, Lili and Sándor escaped it—she's figured that much out—and she and Peter are too young to have witnessed it. But what exactly was it? The same Holocaust she's learning about in school?

The Collected Stories of Deborah Eisenberg
By Deborah Eisenberg.
Picador. 980 pp. Paper $22.

The details of these characters' intertwined relationships become clear only by implication—even the fact that Lili is Anna's mother is not obvious for several pages. Rather than pausing to spell out the basics, Eisenberg lets them emerge as nodes on a criss-crossed, decades-blurring network of Anna's memories and imaginings. The invocation of "novelism" to describe this approach, though obviously meant to compliment Eisenberg's scope and economy, is misleading. Novels support their length with a certain sort of architecture—with footholds, landings and rest stops that allow the reading experience to be spread out across a few sittings. In this sense they are the opposite of poems, which rarely tolerate even a bathroom break. On this spectrum, Eisenberg's stories sit closer to poems. Reading "All Around Atlantis" requires holding several strands of silk in the mind's eye simultaneously, each being spun at a different speed and to a different thickness, some tangled together. Put the story aside to answer the phone and Anna's not-yet-complete web of associations—her experience—collapses beyond repair. Novelistic? Not at all. It's a short story on a high wire: it displays and demands an intense faith in the form's decidedly non-novelistic potential.

Eisenberg started publishing in the mid-1980s, when she was 38 and working as a waitress in New York. Her earliest stories, collected in *Transactions in a Foreign Currency* (1986), feature female narrators who define themselves through unhappy attachments: to men they follow around the country (to Canada, even) at a moment's notice; to reliably mercurial, effortlessly hip roommates they both worship and despise; to Manhattan social life. These women are keen observers of the world and its foibles but keener chroniclers of their own flaws. They know exactly what sort of trouble they're bound up in, and they generally watch themselves stay bound up in it. They find the way that people talk to be foolish—which only encourages them to agonize over their own every utterance. "Everything looks so good," one of them says at a bakery counter, then thinks to herself, "Surely that was an appropriate thing to say—surely people said that."

Though markedly less complex than "All Around Atlantis," the best of these early stories are equally driven by an interest in our tendencies to descend into ourselves—our private histories, imagined counterlives and possible futures—with the greatest of ease, and at the slightest provocation. Here is the beginning of "Flotsam," Eisenberg's first published story:

> The other evening, I was having a drink with a friend when the sight of two women at the next table caused me to stop speaking in midsentence. Both of the women were very young, and fashionable to an almost painful degree. They were drinking beer straight from the bottle, and they radiated a self-conscious, helpless daring, as if they had been made to enter some baffling contest and all eyes were upon them.
>
> "Earth to Charlotte," my friend said. "Everything all right?"
>
> "Fine," I said, and it was, but for a moment that seemed endless I had been pulled down into a forgotten period of my life when I, too, had strained to adhere to the slippery requirements of distant authorities.
>
> I had just come to New York then….

Eisenberg doesn't return to "the other evening" of the first sentence. But from the start there are, in effect, two protagonists. There's young Charlotte, freshly transplanted to the East Village from upstate. And there's older Charlotte, pulled spontaneously into her past. Older Charlotte never sullies young Charlotte's perspective with wisdom-imbued interjections. But we feel her watching young Charlotte with us, and her compulsion to finger the contours of days past.

This sort of architecture helped to distinguish Eisenberg's stories early from the

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fixation on petite epiphany that has dominated American short fiction since at least the 1970s. Her young protagonists, almost always tracked in first or close third person, often seek to right their woes with bold gestures or sudden decisions: leave the guy, move out, get on a bus to somewhere, anywhere. And Eisenberg's linguistic attention to the whip and whorl of thought lets us share in the rush such gestures always bring. When, in the middle of an argument with her frustratingly beautiful roommate, Charlotte decides to move out, grabs her suitcase from the shelf and leaps astride it—"my legs trembling and my heart racing with a dark exaltation, as if I'd just, in the grace of an instant, been thrown wide of some mortal danger"—we bask in her righteousness. Take that, roommates, New York, life, world! But when the rush fades, the silent presence of the older Charlotte remains, reminding us of what so many well-crafted short stories overlook: in the wake of our little epiphanies, life keeps piling up, unsolved and unsolvable.

Much of Eisenberg's development in the past two decades can be attributed to her willingness to keep tabs on this piling-up process—to maintain her interest in our narratives of self even as they grow longer and more ensnarled with those of others. Often this means letting the ghost narrators—the older Charlottes—become fuller characters, letting "the other evening" of "Flotsam," which is a quick take, unfold across several pages or multiple passages. Piling up allows the rhythms of thought from different stages of life to intermingle and for all involved to be surprised at how similar they sound. It's only a short tumble from late youth's "How the hell did I end up here—wherever I am?" to thirtysomething's "Am I really still here—wherever this is?" But for the older characters, dramatic gestures and changes seem less possible and less productive. In "A Cautionary Tale," the opening story of Eisenberg's second collection, *Under the 82nd Airborne* (1992), it is not the protagonist but her roommate who one evening packs his suitcase and heads out the door, destination unknown. "After Stuart closed the door behind him it was very quiet. And then it kept on being very quiet."

Other things pile up besides years, romances, foreclosed possibilities and regrets. At a certain point, successfully dissecting small patches of experience requires more than a sense for mental life's basic unruliness—for the mechanics of doubt, memory, hope and the myriad ways they color one another. It also demands an awareness of how that unruliness is informed—fueled, catered to—by the wider world. For Eisenberg this has meant developing increasingly sharp eyes and ears for culture and its linguistic conventions, politics and its euphemisms, money and its uses. Since this attention has always been motivated by her interest in private experience, she has never approached the maximalism of Thomas Pynchon or anything like the headline-skimming tendencies of Martin Amis. Instead, Eisenberg has gradually become something rarer and more interesting: a fluent observer of contemporary culture with a deep, almost political, interest in interiority.

Her first explicit step in this direction came in 1985. She had visited Nicaragua in the early 1980s "to see where our tax dollars were going," and she later took similar trips

DIANA MICHENER

Deborah Eisenberg

to Honduras and Guatemala. In December 1985, *The New Yorker* published "Broken Glass," at that point her longest story, and the first of an eventual six stories set in Latin America. Most of them, "Broken Glass" included, share a conceit: an American visits a country (often unnamed) as a means of "getting away," then quickly becomes overwhelmed by impressions of injustice and his or her sense of collusion in same. At times, this is quite effective. In "Under the 82nd Airborne," for example, the protagonist Caitlin's gradual awareness that something large and terrible is happening in Honduras—and that American money, American guns and American profiteers are involved—somehow dovetails perfectly with her sense of helplessness regarding her stalled acting career, her nonrelationship with her daughter and her long-failed marriage. The calamity in Honduras is not held in poetic parallel to Caitlin's own; rather, Eisenberg presents an utterly convincing account of how wildly disparate calamities overlap and jostle for our attention, and how the ever-shifting results of that contest amount to an adult life.

Elsewhere, however, these stories read too much like activism—loud insistences that you, reader, should watch and learn. "Holy Week" takes the form of a travel writer's notes and articles from a trip down south with a girlfriend twenty-odd years his junior. He's a parody of the weathered cynic, she of a budding naïf. Soldiers troop by, child soldiers troop by, and he's writing up a rave review of the mango mousse at El Sombrerito, pausing only to wave off the girlfriend's anguished outbursts. Of course, people like the travel writer exist. But in "Holy Week" he seems less of a character and more of an argument, if not a poster boy. Just as he has already decided what he thinks, the story lets us know from the start what we should make of him. Instead of being invited to join in connecting the far-flung dots of his experience, the reader is asked only to observe in knowing pity. It's easy, unrewarding work.

Toward the end of "Mermaids"—a story that appears in Eisenberg's third collection, *All Around Atlantis* (1998)—the protagonist, 11-year-old Kyla, sits in a Manhattan hotel room.

> The television sat, opaque, in the next room. Dark, Kyla thought, but still seeing—still receiving everything that was happening. You could turn it off, but that only meant that *you* couldn't see, behind its darkness, what it was seeing. Sometimes at night, when you had to turn it off to go to sleep, you could feel the world seeping out from the blocked screen—the hot confusion of laughter, the footsteps pounding like a giant, besieged heart, the squealing tires, the eruptions of gunfire, and fearful pictures you couldn't help staring at before they vanished, and people at desks, smiling as though you'd imagined all the rest of it—rising up on all sides of you, staining the evening with the smells of blood and perfume and metal, staining the helpless moments before sleep, and your dreams, and the tattered edges where you broke through into morning.

The protagonists of Eisenberg's Latin American stories often experience similar barrages of violent mental images. But here Eisenberg is evoking a different, more common sort of mental seeing—one directly shaped by the way mass culture absorbs and regurgitates the world to snare our attention. This sort of descriptive work, which started appearing in Eisenberg's stories in the 1990s, foreshadows the eventual unification of what were, until

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recently, two separate subjects: the vortex of the everyday that confronts her characters at home and the politics-infused vortex skirted by her soul-searching characters abroad. It's a welcome development: *All Around Atlantis* alternates schizophrenically between Latin American revelations and several almost-too-crystalline coming-of-age stories. At times, it seems that Eisenberg's political consciousness is making it impossible for her to write about self-aware adults without sending them to an impoverished foreign country. But the catastrophes of the world exist even if you're not watching them unfold in person—and, to the extent that Americans ever reckon with them, they do so thanks largely to television.

In Eisenberg's most recent (and most accomplished) collection, *Twilight of the Superheroes* (2007), televisions and newspapers breathlessly predict Y2K chaos; notify the country of the day's color-coded terror alert; rationalize wars in faraway places; relay the government's plans to weaponize outer space; and eulogize cute children gunned down by a madman. They advertise laundry detergent, show footage of explosions in unnamed countries, hawk ice cream, report on corporate fraud and peddle teenage reality-show comedy. The characters are beset, in the words of a worried mother, by an "onslaught of graphic images that are used to sell things—everywhere the perfect, shining, powerful young bodies, nearly naked, the flashing teeth, the empty, perfect, predatory faces, the threat of sexual ridicule, the specter of sexual inadequacy if you fail to buy the critical brand of plastic wrap or insurance or macaroni and cheese." Eisenberg is keen to illuminate the insidious ways these words and images—advertising and infotainment alike—flit across our mental landscapes, craftily lodging themselves among our loves, fears, attachments, memories, aspirations, conversations and daydreams.

The protagonists of Eisenberg's most recent stories are as self-aware as ever. Like her early, younger characters, they watch themselves fail to master the world, or even to navigate (let alone tolerate) simple conversations. When they ponder politics, they are mindful that the conversation floating around them masks a world of suffering and its causes, and invites their collusion in the cover-up. But, as they know all too well, this awareness brings neither redemption nor release. Instead, like Eisenberg's overwhelmed international travelers, they feel themselves walking on a tightrope strung above two equally unappealing options: willful ignorance of the world's harsher realities, on the one hand; all-consuming absorption in them, on the other.

These being Deborah Eisenberg stories, this particular tightrope is just one strand in a web of adult life. Life keeps piling up. People age; they pair together, split apart, pair together, split apart; their pasts grow and their futures shrink; they start families and yearn to provide them with more stability than they have ever felt; their memories become both more important and fuzzier, and bleed into one another with increasing fluidity. Indeed, several stories in *Twilight* pay almost no explicit attention to anything that might be called political discourse. But it always feels present anyway, since each story fumbles with some variant of the same question, and each inevitably answers it so incompletely that it builds force throughout the book: Where am I, how did I get here and, knowing what I do about the world, how should I act? How can I possibly feel at home in my own life? This applies both to a woman deciding to abduct her boyfriend's son and to New Yorkers reckoning with the post-9/11 question of, as one character puts it, "What should be done, and to whom?" The boyfriend problem and the political problem are not in any coherent sense "equal"—this would be the height of American narcissism—but they can and do ineluctably exist in human consciousness with equal force: such is the narcissism inherent in having a life.

No one lands on any answers—not Eisenberg, not her characters. These stories are less about solutions and more about charting the phenomenology of everyday thoughts. If this task sounds slight, it is only because we are not used to acting as if the overlapping tatters of our mental lives are important, or have much consequence beyond our small selves. But we are the same people when we look for jobs, break up with our boyfriends and raise our children as we are when we watch the news, spend our money, elect our leaders and decide which swaths of humanity (if any) to ponder on a given day. Reckoning with this requires art like Eisenberg's that, by patiently inhabiting our chaotic modes of experience, helps us identify them more clearly—to genuinely possess them, instead of having them simply thrown upon us like half-true news blaring from a television.

The little surprise is that some happiness, or at least grace, seems possible. Not "happy endings"—no endings at all, really—but moments when the contents of our minds are temporarily arranged in acute harmony. Such short moments involve neither blindness to the world nor any sense of long-term difficulty averted, and it isn't clear why they exist. But reading these stories, it's hard to deny that they do. ■

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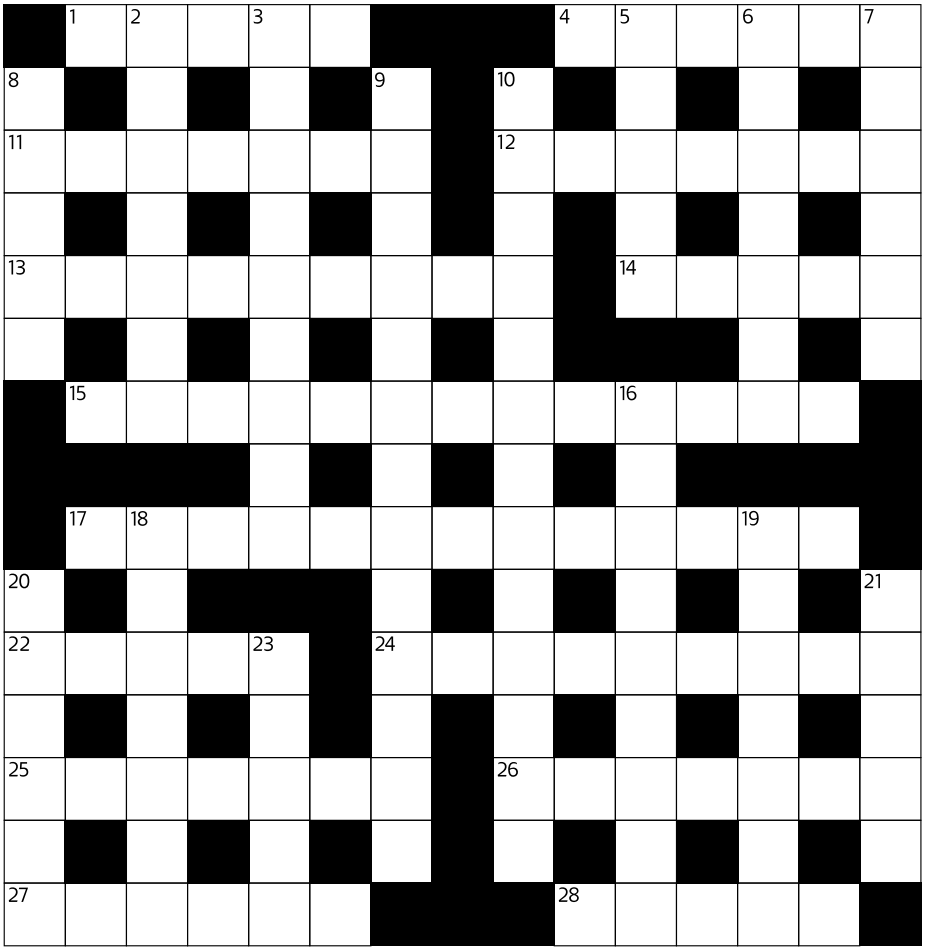
Puzzle No. 1596

FRANK W. LEWIS



ACROSS

1 Some carpenters, perhaps, but not joiners, aren't very pleasant superficially. (5)

4 See 12 across

11 In making a strict diagnosis, you might consider it belonging to the stomach. (7)

12 and **4** Ring-maker. (7,6)

13 Revolving digits. (9)

14 Following exercise? (5)

15 Day-old play, evidently. (4,9)

17 Stand up and be counted, with less of eastern revolutionary movement. (6,7)

22 See 6 down

24 With broken outer ends, things go to pot this way. (3,2,4)

25 Implying too much of the type to spread and take possession. (7)

26 A beetle couldn't be a cockroach! (7)

27 It's due, perhaps, to be carried out. (6)

28 Smetana's was bartered. (5)

DOWN

2 Coins, as flipped in a game. (7)

3 Probably involves squares, though called figures here. (4,5)

5 Tie in a race, at least one in a race. (5)

6 and **22** across Just a drop of water, or a lot more. (7,5)

7 When not on foot, I would shortly get in the circle. (6)

8 One entrance might be stone. (5)

9 Something unplanned and unpleasant leads to lying—but such a type might be expensive to cover. (8-5)

10 In the ring, they fling this in a way that's mildly terrific! (13)

16 Asking for Juncus to get here as quickly as possible? (4,5)

18 A foreigner in a little way outstanding. (7)

19 Bedelia is made up, but certainly not as an Early Bird! (3-4)

20 A loud way to come across, and bear the expense. (6)

21 Our present year and all our years might be proverbial. (5)

23 Possibly good material for Koussevitzky. (5)

This puzzle originally appeared in the August 30, 1975, issue.

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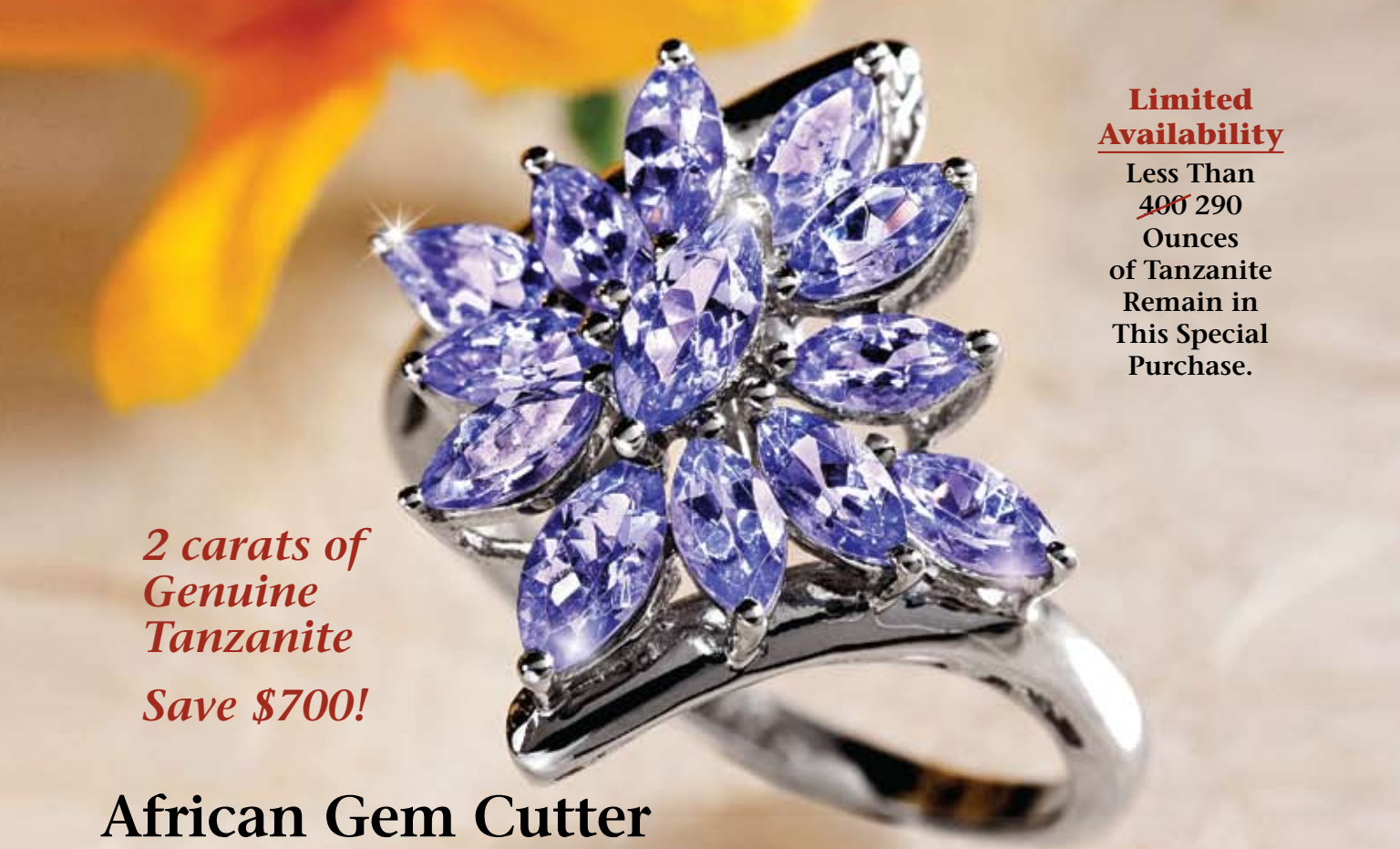

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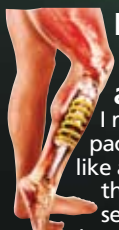

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